

Amend CSHB 205 (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0264 to read as follows:

Sec. 32.0264. SUSPENSION, TERMINATION, AND AUTOMATIC REINSTATEMENT OF ELIGIBILITY FOR CERTAIN PERSONS CONFINED IN COUNTY JAILS. (a) In this section, "county jail" means a facility operated by or for a county for the confinement of persons accused or convicted of an offense.

(b) If a person with mental illness is confined in a county jail, the department shall suspend the person's eligibility for medical assistance during the period the person is confined in the county jail if:

(1) the person has been charged with but not convicted of an offense; and

(2) the department has reason to believe that the person:

(A) after release or discharge from the county jail, will be admitted to a state hospital for emergency detention under Chapter 573, Health and Safety Code, or ordered by a court under Chapter 574, Health and Safety Code, to receive inpatient mental health services at a state hospital; or

(B) will be committed to a state hospital to attain competency to stand trial under Chapter 46B, Code of Criminal Procedure, or to receive inpatient mental health services following an acquittal by reason of insanity under Chapter 46C, Code of Criminal Procedure.

(c) If a person with mental illness is confined in a county jail, the department shall, as appropriate, terminate the person's eligibility for medical assistance or suspend the person's eligibility during the period the person is confined in the county jail if:

(1) the person has been convicted of an offense; and

(2) the department has reason to believe that the person, after release or discharge from the county jail, will be admitted to a state hospital for emergency detention under Chapter

573, Health and Safety Code, or ordered by a court under Chapter 574, Health and Safety Code, to receive inpatient mental health services at a state hospital.

(d) Not later than 48 hours after the department is notified of the release from a county jail of a person whose eligibility for medical assistance has been suspended under this section, the department shall reinstate the person's eligibility, provided the person's eligibility certification period has not elapsed. Following the reinstatement, the person remains eligible until the expiration of the period for which the person was certified as eligible.

SECTION _____. Subchapter C, Chapter 351, Local Government Code, is amended by adding Section 351.048 to read as follows:

Sec. 351.048. NOTICE TO CERTAIN GOVERNMENTAL ENTITIES. (a) The sheriff of a county may notify the Health and Human Services Commission:

(1) on the confinement in the county jail of a person with mental illness who:

(A) is receiving medical assistance benefits under Chapter 32, Human Resources Code; and

(B) the sheriff has reason to believe would qualify for a suspension of those benefits under Section 32.0264(b), Human Resources Code; and

(2) on the conviction of a prisoner with mental illness who:

(A) immediately before the prisoner's confinement in the county jail, was receiving medical assistance benefits; and

(B) the sheriff has reason to believe would qualify for a suspension of those benefits under Section 32.0264(c), Human Resources Code.

(b) If the sheriff of a county chooses to provide the notices described by Subsection (a), the sheriff shall provide the notices electronically or by other appropriate means as soon as possible and not later than the 30th day after the date of the person's confinement or prisoner's conviction, as applicable.

(c) The sheriff of a county may notify:

(1) the United States Social Security Administration of the release or discharge of a prisoner with mental illness:

(A) who immediately before the prisoner's confinement in the county jail, was receiving:

(i) Supplemental Security Income (SSI) benefits under 42 U.S.C. Section 1381 et seq.; or

(ii) Social Security Disability Insurance (SSDI) benefits under 42 U.S.C. Section 401 et seq.; and

(B) who:

(i) has been committed to a state hospital to attain competency to stand trial under Chapter 46B, Code of Criminal Procedure, or to receive inpatient mental health services following an acquittal by reason of insanity under Chapter 46C, Code of Criminal Procedure; or

(ii) the sheriff has reason to believe will be admitted to a state hospital for emergency detention under Chapter 573, Health and Safety Code, or ordered by a court under Chapter 574, Health and Safety Code, to receive inpatient mental health services at a state hospital; and

(2) the Health and Human Services Commission of the release or discharge of a prisoner with mental illness who, immediately before the prisoner's confinement in the county jail, was receiving medical assistance benefits and who:

(A) has been committed to a state hospital to attain competency to stand trial under Chapter 46B, Code of Criminal Procedure, or to receive inpatient mental health services following an acquittal by reason of insanity under Chapter 46C, Code of Criminal Procedure; or

(B) the sheriff has reason to believe will be admitted to a state hospital for emergency detention under Chapter 573, Health and Safety Code, or ordered by a court under Chapter 574, Health and Safety Code, to receive inpatient mental health services at a state hospital.

(d) If the sheriff of a county chooses to provide the notices described by Subsection (c), the sheriff shall provide the notices electronically or by other appropriate means not later than 48 hours after the prisoner's release or discharge from custody.

(e) If the sheriff of a county chooses to provide the notices described by Subsection (c), at the time of the prisoner's release or discharge, the sheriff shall provide the prisoner with a written copy of each applicable notice and a phone number at which the prisoner may contact the Health and Human Services Commission regarding confirmation of or assistance relating to reinstatement of the person's eligibility for medical assistance benefits, if applicable.

(f) The Health and Human Services Commission shall establish a means by which the sheriff of a county, or an employee of the county or sheriff, may determine whether a person confined in the county jail is or was, as appropriate, receiving medical assistance benefits under Chapter 32, Human Resources Code, for purposes of this section.

(g) The county or sheriff, or an employee of the county or sheriff, is not liable in a civil action for damages resulting from a failure to comply with this section.

SECTION _____. Sections 32.0264(a)-(c), Human Resources Code, and Section 351.048(a), Local Government Code, as added by this Act, apply to a person whose period of confinement in a county jail begins on or after the effective date of this Act, regardless of the date the person was determined eligible for medical assistance under Chapter 32, Human Resources Code.

SECTION _____. Section 32.0264(d), Human Resources Code, and Section 351.048(c), Local Government Code, as added by this Act, apply to the release or discharge of a prisoner from a county jail that occurs on or after the effective date of this Act, regardless of the date the prisoner was initially confined in the county jail.

SECTION _____. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.