

By: West

S.B. No. 1499

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to establishing a local behavioral health intervention  
3 pilot project.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter B, Chapter 533, Health and Safety  
6 Code, is amended by adding Section 533.051 to read as follows:

7 Sec. 533.051. LOCAL BEHAVIORAL HEALTH PILOT PROJECT.

8 (a) The Department of State Health Services shall establish  
9 a local behavioral health intervention pilot project for  
10 individuals with mental illness, substance use disorders, or  
11 co-occurring mental illnesses and substance use disorders, who are  
12 at risk for, or who have a history of recidivism in crisis services,  
13 psychiatric hospitalization or criminal justice involvement, who  
14 reside in a multiple-county behavioral health region that  
15 integrates public sector mental health and substance abuse  
16 disorders and funding with over 10 years experience in behavioral  
17 health managed care with blended funding; separation of authority  
18 functions from provider functions; an existing network of specialty  
19 providers; consumer choice of behavioral health providers;  
20 containing a variety of communities including urban, rural and  
21 suburban communities; at least one county having a dense urban  
22 area; at least one county being predominately rural; at least one  
23 county having higher than average per capita income as compared to  
24 the rest of the state; at least one county having lower average per

1 capita income than the rest of the state; existing diversion courts  
2 in at least 2 of the counties; existing psychiatric hospital with  
3 Psychiatric Emergency Services available 24 hours per day, 7 per  
4 week, 365 days a year; existing Mobile Crisis Services; and no  
5 waiting list for any level of service.

6 (b) In implementing the pilot project, the department shall  
7 direct a local mental health authority or an entity contracted to  
8 provide Behavioral Health and Substance Use Disorders services  
9 serving the region described in Section 1 (a) to:

10 (1) oversee the development of a program designed to  
11 address the needs of individuals with mental illness, substance  
12 use disorders or co-occurring mental illnesses and substance use  
13 disorders who are at risk for, or who have a history of recidivism  
14 in crisis services, psychiatric hospitalization or criminal  
15 justice involvement.

16 (A) permit collaboration in the provision of  
17 behavioral health services to the individuals described in Section  
18 1 (b) (1) ;

19 (B) identify individuals described in Section 1  
20 (b) (1); and

21 (C) divert individuals identified under Section  
22 1, (b) (1) Paragraph (B) to a system of care services to reduce the  
23 gaps or inefficiencies in the provision of care;

24 (2) develop, in collaboration with the state and local  
25 agencies, a best practices plan regarding:

26 (A) enhanced engagement in treatment services;

27 (B) delivery of intervention and treatment

1 services;

2 (C) uniform referral processes between systems  
3 and agencies related to behavioral health services;

4 (D) an information exchange process between  
5 agencies to facilitate faster identification and assessment of  
6 behavioral health problems and integrate service delivery;

7 (E) transition between levels of care to insure  
8 continued engagement in services;

9 (F) reintegration into the community;

10 (3) identify outcome measures that may be used to  
11 measure the efficiency of coordination;

12 (4) ensure that an extensive listing of providers is  
13 available to each participating individual including information  
14 regarding the services offered and the behavioral health issues  
15 addressed by the provider; and

16 (5) ensure that participating individuals, agencies,  
17 and providers participating in the pilot project are informed that  
18 the participating individual may not be penalized for refusing to  
19 consent to the information sharing or services under the pilot  
20 project.

21 (c) In order to facilitate the pilot project and identify  
22 individuals in accordance with Section 533.051(b)(1)(B), a local  
23 behavioral health authority serving the region described in Section  
24 533.051(a), the Department of State Health Services, the Department  
25 of Family and Protective Services, the Texas Department of Criminal  
26 Justice, the Correctional Office on Offenders with Medical or  
27 Mental Impairments, law enforcement, criminal justice system, may,

1 with the consent of the participant:

2 (1) disclose information relating to a participant,  
3 including information concerning the participant's identity,  
4 needs, treatment, social, criminal, and educational history,  
5 probation or supervision status and compliance with the conditions  
6 of the participant's probation or supervision, and medical or  
7 behavioral health history, if the disclosure serves a purpose of  
8 the pilot project;

9 (2) accept information relating to a participant that  
10 serves a purpose of the pilot project, regardless of whether other  
11 state law makes that information confidential; and

12 (3) before sharing information under this section,  
13 enter into a memorandum of understanding with another entity to  
14 specify:

15 (A) the types of information that may be  
16 exchanged among agencies under this section without violating any  
17 applicable provisions of federal law, including any federal funding  
18 requirements; and

19 (B) the protocols for information sharing,  
20 including methods for ensuring the continued protection of  
21 confidential information by the recipient of the information.

22 (d) This section does not affect the confidential status of  
23 the information being shared.

24 (e) Not later than December 1, 2014, the local behavioral  
25 health authority involved in the pilot project shall submit a  
26 report to the department regarding the behavioral health  
27 intervention pilot project including:

1           (1) A comprehensive analysis of the efficacy of the  
2 project; and

3           (2) The local authority's findings and  
4 recommendations.

5           (f) In implementing the pilot project, the Department of  
6 State Health Services shall ensure that a participant involved in  
7 the project is provided with reasonable, standardized complaint  
8 procedures for making complaints regarding the pilot project or an  
9 agency or provider involved in the pilot project.

10          (g) The Department of State Health Services shall ensure  
11 that the pilot project:

12           (1) is operated without regard to the race, color,  
13 disability, sex, age, national origin, or religion of the  
14 individuals involved in the pilot project and

15           (2) does not disproportionately target or negatively  
16 impact minorities.

17          (h) This Act expires on September 1, 2015.

18          SECTION 2. This Act takes effect on September 1, 2013.