

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 3, 2013

TO: Honorable Tan Parker, Chair, House Committee on Corrections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2349 by Zerwas (Relating to alternate methods for providing mental health and related services to certain defendants found incompetent to stand trial or acquitted by reason of insanity in a criminal case.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2349, As Introduced: a negative impact of (\$2,491,826) through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	(\$1,247,684)
2015	(\$1,244,142)
2016	(\$1,244,268)
2017	(\$1,244,399)
2018	(\$1,244,533)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund	Change in Number of State Employees from FY 2013
	1	
2014	(\$1,247,684)	1.0
2015	(\$1,244,142)	1.0
2016	(\$1,244,268)	1.0
2017	(\$1,244,399)	1.0
2018	(\$1,244,533)	1.0

Fiscal Analysis

The bill would implement the recommendations in the report, "Use Alternative Settings to Reduce Forensic Cases in the State Mental Health Hospital System," in the Legislative Budget Board's

Government Effectiveness and Efficiency Report submitted to the Eighty-Third Texas Legislature, 2013.

The bill would amend the Health and Safety Code to require DSHS to form a workgroup to determine whether a jail-based competency restoration program may be operated without an increase in state spending on mental health treatment. The workgroup would be required to submit its recommendation regarding establishment of a jail-based competency restoration program to the Health and Human Services Commission (HHSC) by February 1, 2014. HHSC would be allowed to establish a jail-based competency restoration program to be operated by DSHS if the workgroup recommends the program's establishment. The program must allow DSHS to partner with multiple counties and include a quality review process designed to ensure that competency restoration treatment provided through the jail-based program is equivalent to treatment that would be provided in a mental health facility operated by DSHS. The bill would amend the Code of Criminal Procedure to allow a court to commit certain defendants to a jail-based competency restoration program established under the Health and Safety Code for the purposes of receiving competency restoration treatment.

The bill would amend the Health and Safety Code to require HHSC to establish a conditional release pilot program by February 1, 2014 in one or more counties for certain individuals to be operated by DSHS. The bill requires DSHS to designate a community-based mental health services provider to provide mental health services to pilot program participants. DSHS would be required to design a psychiatric security review process for patients considered for participation in a conditional release pilot program. DSHS would be required to submit biennial reports to the Legislature concerning the pilot program, including pilot data and an evaluation of the program's outcome, by December 1, 2014 and December 1, 2016. The bill would allow a court to order a patient to participate in the program if certain conditions are met.

Methodology

The bill would result in a cost of \$1,247,684 in General Revenue Funds in fiscal year 2014 and a cost of \$1,244,142 in General Revenue Funds in fiscal year 2015. The cost in each fiscal year is due to implementation of a conditional release pilot program. The cost in fiscal years 2014 through 2018 includes \$1,051,760 per year for client services, \$97,404 per year for medical treatment costs, and \$90,237 per year for salary and benefits for a Program Specialist VI. The cost of other operating expenses per year is \$8,283 for fiscal year 2014, \$4,741 for fiscal year 2015, \$4,867 for fiscal year 2016, \$4,998 for fiscal year 2017, and \$5,132 for fiscal year 2018. Client service costs are based on the agency's estimate that the conditional release pilot program would serve 20 people per year at a client service cost of \$52,588 per person.

If a local mental health authority were to contribute local funds to help pay for the costs associated with providing community-based mental health services to participants in the conditional release pilot program, the cost to the state could be reduced.

DSHS reports that the provisions of the bill related to a jail-based competency restoration program will have no cost because DSHS is required to form a workgroup to determine whether a jail-based competency restoration program may be operated without an increase in state spending on mental health treatment. HHSC reports that rule adoption could be completed within existing resources.

Local Government Impact

The bill would allow the creation of a jail-based competency restoration program. It cannot be determined at this time whether a county or counties would see a fiscal impact related to implementation of a jail-based competency restoration program.

The bill would also create a conditional release pilot program in one or more counties selected by DSHS. There may be some fiscal impact to the county or counties participating in this program which cannot be determined at this time.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 409 Commission on Jail Standards, 529 Health and Human Services Commission, 537 State Health Services, Department of

LBB Staff: UP, ESi, JI, DM, KKR, TB, ES