

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1507
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Health & Human Services
4/8/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Department of State Health Services (DSHS) is the agency in charge of administering forensic mental health services for justice-involved individuals, for example people who are determined to be incompetent to stand trial or not guilty by reason of insanity.

A growing number of individuals in state hospitals are involved in the criminal justice system and more inmates in Texas prisons and jails are living with one or more mental health conditions and substance abuse disorders. Though services provided by DSHS are vital to serving individuals with mental health issues in the criminal justice system, the size and complexity of the forensic population that DSHS serves has grown to an extent that efficient statewide and cross-agency coordination between the public mental health and criminal justice systems is critically necessary.

C.S.S.B. 1507 amends the Health and Safety Code by authorizing the creation of a forensic director position in DSHS with responsibility for statewide coordination and oversight of forensic services and DSHS programs relating to forensic evaluation, competency restoration, transition of forensic patients from inpatient to outpatient or community-based services, forensic monitoring, or forensic research and training. The director would ensure that state resources are appropriately applied to the forensic population, that individuals do not have to wait extended periods for needed services, and that forensic operations are streamlined and best practices adopted statewide.

Additionally, this bill directs the commissioner to assemble an expert work group of various mental health and forensic service stakeholders from across the state. The workgroup, for the Director's use and reference, will be charged with creating a comprehensive forensic services coordination plan for the state.

C.S.S.B. 1507 amends current law relating to the appointment of a forensic director responsible for statewide coordination and oversight of forensic mental health services overseen by the Department of State Health Services.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 532.0131, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 532, Health and Safety Code, by adding Sections 532.013 and 532.0131, as follows:

Sec. 532.013. FORENSIC DIRECTOR. (a) Defines “commissioner,” “department,” “forensic patient,” and “forensic services.”

(b) Requires the commissioner of the Department of State Health Services (commissioner) to appoint a forensic director.

(c) Requires a person, to be qualified for appointment as forensic director, to have proven expertise in the social, health, and legal systems for forensic patients, and in the intersection of those systems.

(d) Provides that the forensic director reports to the commissioner and is responsible for:

(1) statewide coordination and oversight of forensic services;

(2) any programs operated by the Department of State Health Services (DSHS) relating to evaluation of forensic patients, transition of forensic patients from inpatient to outpatient or community-based services, community forensic monitoring, or forensic research and training; and

(3) addressing issues with the delivery of forensic services in the state, including:

(A) significant increases in populations with serious mental illness and criminal justice system involvement;

(B) adequate availability of DSHS facilities for civilly committed forensic patients;

(C) wait times for forensic patients who require competency restoration services;

(D) interruption of mental health services of recently released forensic patients; and

(E) coordination of services provided to forensic patients by state agencies.

Sec. 531.0131. FORENSIC WORKGROUP. (a) Defines “forensic patient” and “forensic services.”

(b) Requires the commissioner to establish a workgroup of experts and stakeholders to make recommendations concerning the creation of a comprehensive plan for the effective coordination of forensic services.

(c) Requires the workgroup to have not fewer than nine members, with the commissioner selecting the total number of members at the time the commissioner establishes the workgroup.

(d) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to appoint as members of the workgroup:

(1) a representative of DSHS;

(2) a representative of the Texas Department of Criminal Justice;

(3) a representative of the Texas Juvenile Justice Department;

(4) a representative of the Texas Correctional Office on Offenders with Medical or Mental Impairments;

(5) a representative of the Sheriff’s Association of Texas;

(6) a superintendent of a state hospital with a maximum security forensic unit;

(7) a representative of a local mental health hospital;

(8) a representative of the protection and advocacy system of this state established in accordance with 42 U.S.C. Section 15043, appointed by the administrative head of that system; and

(9) additional members as needed to comply with the number of members selected by the commissioner, who must be recognized experts in forensic patients or persons who represent the interests of forensic patients, and who may be advocates, family members, psychiatrists, psychologists, social workers, psychiatric nurses, or representatives of hospitals licensed under Chapter 241 (Hospitals) or 577 (Private Mental Hospitals and Other Mental Health Facilities).

(e) Authorizes the workgroup, in developing recommendations, to use information compiled by other workgroups in the state, especially workgroups for which the focus is mental health issues.

(f) Requires the workgroup established under this section to, not later than July 1, 2016, send a report describing the workgroup's recommendations to the lieutenant governor, the speaker of the house of representatives, and the standing committees of the senate and the house of representatives with primary jurisdiction over forensic services.

(g) Authorizes the executive commissioner to adopt rules as necessary to implement this section.

(h) Provides that the workgroup established under this section is dissolved and this section expires November 1, 2019.

SECTION 2. (a) Requires the commissioner, not later than November 1, 2015, to establish a forensic workgroup, and requires the executive commissioner to appoint members of that workgroup, as required by Section 532.0131, Health and Safety Code, as added by this Act.

(b) Requires the executive commissioner, not later than November 1, 2015, to adopt any rules necessary for the implementation of Section 532.013 or 532.0131, Health and Safety Code, as added by this Act.

SECTION 3. Requires the commissioner to appoint a forensic director as required by Section 532.013, Health and Safety Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 4. Effective date: upon passage or September 1, 2015.