

By: Turner of Harris

H.B. No. 1393

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of a home and community-based
3 services program under the Medicaid program for certain persons
4 with severe and persistent mental illness.

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

6 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,
7 is amended by adding Section 32.0216 to read as follows:

8 Sec. 32.0216. HOME AND COMMUNITY-BASED SERVICES PROGRAM.

9 (a) The Health and Human Services Commission, in conjunction with
10 the Department of State Health Services, shall establish a home and
11 community-based services program as part of the medical assistance
12 program for persons with severe and persistent mental illness who
13 are at the greatest risk of institutionalization, including the
14 following persons:

15 (1) persons who have been found incompetent to stand
16 trial under Chapter 46B, Code of Criminal Procedure, and who are
17 transitioning from receiving inpatient mental health services to
18 outpatient mental health services;

19 (2) persons who have been ordered to receive
20 outpatient mental health services following an acquittal by reason
21 of insanity under Chapter 46C, Code of Criminal Procedure;

22 (3) persons who have been ordered by a court to receive
23 inpatient mental health services under Chapter 574, Health and
24 Safety Code, three or more times in a two-year period;

1 (4) persons with severe and persistent mental illness
2 who have been confined in a county jail and charged with an offense
3 three or more times in a two-year period; and

4 (5) children and adults who are experiencing a first
5 episode of psychosis.

6 (b) The department, in operating the program, may provide or
7 coordinate with other entities for the provision of housing,
8 employment, family, and education supports to persons
9 participating in the program.

10 (c) The executive commissioner of the commission by rule
11 shall develop needs-based criteria to determine a person's
12 eligibility for the program. In adopting the rules, the executive
13 commissioner shall consider the funds available for the program.
14 The executive commissioner shall adopt any other rules necessary to
15 implement the program established under this section, including
16 rules that define what constitutes a severe and persistent mental
17 illness for purposes of this section.

18 SECTION 2. As soon as practicable after the effective date
19 of this Act, the Health and Human Services Commission shall
20 collaborate with the Department of State Health Services to develop
21 and seek approval of an amendment to the state Medicaid plan under
22 Section 1915(i), Social Security Act (42 U.S.C. Section 1396n(i)),
23 to receive federal funding under the Medicaid program for the
24 program established under Section 32.0216, Human Resources Code, as
25 added by this Act.

26 SECTION 3. If before implementing any provision of this Act
27 a state agency determines that a waiver or authorization from a

1 federal agency is necessary for implementation of that provision,
2 the agency affected by the provision shall request the waiver or
3 authorization and may delay implementing that provision until the
4 waiver or authorization is granted.

5 SECTION 4. This Act takes effect September 1, 2015.