

By: Naishtat

H.B. No. 2023

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the appointment of a forensic medical director
3 responsible for statewide coordination and oversight of forensic
4 mental health services provided by the Department of State Health
5 Services.

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

7 SECTION 1. Chapter 532, Health and Safety Code, is amended
8 by adding Section 532.013 to read as follows:

9 Sec. 532.013. FORENSIC MEDICAL DIRECTOR. (a) In this
10 section:

11 (1) "Commissioner" means the commissioner of the
12 department.

13 (2) "Department" means the Department of State Health
14 Services.

15 (3) "Forensic patient" means a person with mental
16 illness who is:

17 (A) found incompetent to stand trial under
18 Subchapter C, Chapter 46B, Code of Criminal Procedure;

19 (B) committed to court-ordered mental health
20 services under Subchapter E, Chapter 46B, Code of Criminal
21 Procedure;

22 (C) as described by Subchapter F, Chapter 46B,
23 Code of Criminal Procedure, subject to a civil commitment
24 proceeding under Subtitle C, Title 7, for court-ordered mental

1 health services under that subtitle; or

2 (D) found not guilty by reason of insanity under
3 Chapter 46C, Code of Criminal Procedure.

4 (4) "Forensic services" means competency restoration
5 services or mental health services provided a forensic patient at a
6 department facility.

7 (b) The commissioner shall appoint a forensic medical
8 director.

9 (c) To be qualified for appointment as forensic medical
10 director, a person must:

11 (1) be a physician licensed to practice in this state;
12 and

13 (2) have proven expertise in forensic services.

14 (d) The forensic medical director reports to the
15 commissioner and is responsible for:

16 (1) statewide coordination and oversight of forensic
17 services;

18 (2) any programs operated by the department relating
19 to evaluation of forensic patients, transition of forensic patients
20 from inpatient to outpatient or community-based services,
21 community forensic monitoring, or forensic research and training;
22 and

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

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

27 (B) adequate availability of department

- 1 facilities for civilly committed forensic patients;
2 (C) wait times for forensic patients who require
3 competency restoration services;
4 (D) interruption of mental health services of
5 recently released forensic patients; and
6 (E) coordination of services provided forensic
7 patients by state agencies.

8 SECTION 2. The commissioner of the Department of State
9 Health Services shall appoint a forensic medical director as
10 required by Section 532.013, Health and Safety Code, as added by
11 this Act, as soon as practicable after the effective date of this
12 Act.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2015.