

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1. Chapter 532, Health and Safety Code, is amended by adding Sections 532.013 and 532.0131 to read as follows:

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

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

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

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

(A) examined on the issue of competency to stand trial by an expert appointed under Subchapter B, Chapter 46B, Code of Criminal Procedure;

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

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

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

1 (4) "Forensic services" means a competency
2 examination, competency restoration services, or mental health
3 services provided to a current or former forensic patient in the
4 community or at a department facility.

5 (b) The commissioner shall appoint a forensic director.

6 (c) To be qualified for appointment as forensic director, a
7 person must have proven expertise in the social, health, and legal
8 systems for forensic patients, and in the intersection of those
9 systems.

10 (d) The forensic director reports to the commissioner and is
11 responsible for:

12 (1) statewide coordination and oversight of forensic
13 services;

14 (2) any programs operated by the department relating
15 to evaluation of forensic patients, transition of forensic patients
16 from inpatient to outpatient or community-based services,
17 community forensic monitoring, or forensic research and training;
18 and

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

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

23 (B) adequate availability of department
24 facilities for civilly committed forensic patients;

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

27 (D) interruption of mental health services of

1 recently released forensic patients; and

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

4 Sec. 532.0131. FORENSIC WORKGROUP. (a) In this section,
5 "forensic patient" and "forensic services" have the meanings
6 assigned by Section 532.013.

7 (b) The commissioner shall establish a workgroup of experts
8 and stakeholders to make recommendations concerning the creation of
9 a comprehensive plan for the effective coordination of forensic
10 services.

11 (c) The workgroup must have not fewer than nine members,
12 with the commissioner selecting the total number of members at the
13 time the commissioner establishes the workgroup.

14 (d) The executive commissioner of the Health and Human
15 Services Commission shall appoint as members of the workgroup:

16 (1) a representative of the department;

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

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

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

23 (5) a representative of the Sheriff's Association of
24 Texas;

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

27 (7) a representative of a local mental health

1 authority;

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

6 (9) additional members as needed to comply with the
7 number of members selected by the commissioner, who must be
8 recognized experts in forensic patients or persons who represent
9 the interests of forensic patients, and who may be advocates,
10 family members, psychiatrists, psychologists, social workers,
11 psychiatric nurses, or representatives of hospitals licensed under
12 Chapter 241 or 577.

13 (e) In developing recommendations, the workgroup may use
14 information compiled by other workgroups in the state, especially
15 workgroups for which the focus is mental health issues.

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

22 (g) The executive commissioner of the Health and Human
23 Services Commission may adopt rules as necessary to implement this
24 section.

25 (h) The workgroup established under this section is
26 dissolved and this section expires November 1, 2019.

27 SECTION 2. (a) Not later than November 1, 2015, the

1 commissioner of the Department of State Health Services shall
2 establish a forensic workgroup, and the executive commissioner of
3 the Health and Human Services Commission shall appoint members of
4 that workgroup, as required by Section 532.0131, Health and Safety
5 Code, as added by this Act.

6 (b) Not later than November 1, 2015, the executive
7 commissioner of the Health and Human Services Commission shall
8 adopt any rules necessary for the implementation of Section 532.013
9 or 532.0131, Health and Safety Code, as added by this Act.

10 SECTION 3. The commissioner of the Department of State
11 Health Services shall appoint a forensic director as required by
12 Section 532.013, Health and Safety Code, as added by this Act, as
13 soon as practicable after the effective date of this Act.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2015.