

AN ACT

relating to the statewide coordination and oversight of forensic mental health services overseen by the Department of State Health Services, including the appointment of a forensic director.

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) "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.

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

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

2 (c) To be qualified for appointment as forensic director, a
3 person must have proven expertise in the social, health, and legal
4 systems for forensic patients, and in the intersection of those
5 systems.

6 (d) The forensic director reports to the commissioner and is
7 responsible for:

8 (1) statewide coordination and oversight of forensic
9 services;

10 (2) coordination of programs operated by the
11 department relating to evaluation of forensic patients, transition
12 of forensic patients from inpatient to outpatient or
13 community-based services, community forensic monitoring, or
14 forensic research and training; and

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

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

19 (B) adequate availability of department
20 facilities for civilly committed forensic patients;

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

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

25 (E) coordination of services provided to
26 forensic patients by state agencies;

27 (F) provision of input regarding the regional

allocation of mental health beds for certain forensic patients and other patients with mental illness under Section 533.0515; and

(G) provision of input regarding the development and maintenance of a training curriculum for judges and attorneys for treatment alternatives to inpatient commitment to a state hospital for certain forensic patients under Section 1001.086.

Sec. 532.0131. FORENSIC WORK GROUP. (a) In this section, "forensic patient" and "forensic services" have the meanings assigned by Section 532.013.

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

(c) The work group must have not fewer than nine members, with the commissioner selecting the total number of members at the time the commissioner establishes the work group.

(d) The executive commissioner of the Health and Human Services Commission shall appoint as members of the work group:

(1) a representative of the department;

(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;

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

3 (7) a representative of a local mental health
4 authority;

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

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

16 (e) In developing recommendations, the work group may use
17 information compiled by other work groups in the state, especially
18 work groups for which the focus is mental health issues.

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

25 (g) The executive commissioner of the Health and Human
26 Services Commission may adopt rules as necessary to implement this
27 section.

1 (h) The work group established under this section is
2 dissolved and this section expires November 1, 2019.

3 SECTION 2. Subchapter B, Chapter 533, Health and Safety
4 Code, is amended by adding Section 533.0515 to read as follows:

5 Sec. 533.0515. REGIONAL ALLOCATION OF MENTAL HEALTH BEDS.

6 (a) In this section, "inpatient mental health facility" has the
7 meaning assigned by Section 571.003.

8 (b) The commission, with input from local mental health
9 authorities, local behavioral health authorities, stakeholders,
10 and the forensic director appointed under Section 532.013, and
11 after considering any plan developed under Section 533.051, shall
12 divide the state into regions for the purpose of allocating to each
13 region state-funded beds in the state hospitals and other inpatient
14 mental health facilities for patients who are:

15 (1) voluntarily admitted to a state hospital or other
16 inpatient mental health facility under Subchapter B, Chapter 462,
17 or Chapter 572;

18 (2) admitted to a state hospital or other inpatient
19 mental health facility for emergency detention under Subchapter C,
20 Chapter 462, or Chapter 573;

21 (3) ordered by a court to receive at a state hospital
22 or other inpatient mental health facility inpatient chemical
23 dependency treatment under Subchapter D, Chapter 462, or inpatient
24 mental health services under Chapter 574;

25 (4) committed to a state hospital or other inpatient
26 mental health facility to attain competency to stand trial under
27 Chapter 46B, Code of Criminal Procedure; or

1 (5) committed to a state hospital or other inpatient
2 mental health facility to receive inpatient mental health services
3 following an acquittal by reason of insanity under Chapter 46C,
4 Code of Criminal Procedure.

5 (c) The department, in conjunction with the commission,
6 shall convene the advisory panel described by Section 533.051(c) at
7 least quarterly in order for the advisory panel to:

8 (1) develop, make recommendations to the executive
9 commissioner or department, as appropriate, and monitor the
10 implementation of updates to:

11 (A) a bed day allocation methodology for
12 allocating to each region designated under Subsection (b) a certain
13 number of state-funded beds in state hospitals and other inpatient
14 mental health facilities for the patients described by Subsection
15 (b) based on the identification and evaluation of factors that
16 impact the use of state-funded beds by patients in a region,
17 including clinical acuity, the prevalence of serious mental
18 illness, and the availability of resources in the region; and

19 (B) a bed day utilization review protocol that
20 includes a peer review process to:

21 (i) evaluate:

22 (a) the use of state-funded beds in
23 state hospitals and other inpatient mental health facilities by
24 patients described by Subsection (b);

25 (b) alternatives to hospitalization
26 for those patients;

27 (c) the readmission rate for those

1 patients; and

2 (d) the average length of admission
3 for those patients; and

4 (ii) conduct a review of the diagnostic and
5 acuity profiles of patients described by Subsection (b) for the
6 purpose of assisting the department, commission, and advisory panel
7 in making informed decisions and using available resources
8 efficiently and effectively; and

9 (2) receive and review status updates from the
10 department regarding the implementation of the bed day allocation
11 methodology and the bed day utilization review protocol.

12 (d) Not later than December 1 of each even-numbered year,
13 the advisory panel shall submit to the executive commissioner for
14 consideration a proposal for an updated bed day allocation
15 methodology and bed day utilization review protocol, and the
16 executive commissioner shall adopt an updated bed day allocation
17 methodology and bed day utilization review protocol.

18 (e) Not later than December 1 of each even-numbered year,
19 the department, in conjunction with the commission and the advisory
20 panel, shall prepare and submit to the governor, the lieutenant
21 governor, the speaker of the house of representatives, the senate
22 finance committee, the house appropriations committee, and the
23 standing committees of the legislature having jurisdiction over
24 mental health and human services a report that includes:

25 (1) a summary of the activities of the commission,
26 department, and advisory panel to develop or update the bed day
27 allocation methodology and bed day utilization review protocol;

1 (2) the outcomes of the implementation of the bed day
2 allocation methodology by region, including an explanation of how
3 the actual outcomes aligned with or differed from the expected
4 outcomes;

5 (3) for planning purposes, for each region, the actual
6 value of a bed day for the two years preceding the date of the report
7 and the projected value of a bed day for the five years following
8 the date of the report, as calculated by the department;

9 (4) for each region, an evaluation of the factors in
10 Subsection (c)(1)(A), including the availability of resources in
11 the region, that impact the use of state-funded beds in state
12 hospitals and other inpatient mental health facilities by the
13 patients described by Subsection (b);

14 (5) the outcomes of the implementation of the bed day
15 utilization review protocol and the impact of the use of the
16 protocol on the use of state-funded beds in state hospitals and
17 other inpatient mental health facilities by the patients described
18 by Subsection (b); and

19 (6) any recommendations of the department,
20 commission, or advisory panel to enhance the effective and
21 efficient allocation of state-funded beds in state hospitals and
22 other inpatient mental health facilities for the patients described
23 by Subsection (b).

24 (f) Notwithstanding Subsection (d), not later than March 1,
25 2016, the advisory panel, with assistance from the department,
26 shall submit to the executive commissioner an initial proposal for
27 a bed day allocation methodology and bed day utilization review

protocol for review. The executive commissioner shall adopt an initial bed day allocation methodology and bed day utilization review protocol not later than June 1, 2016. Before the commission adopts the initial bed day allocation methodology, the department shall continue to allocate state-funded beds in the state hospitals and other inpatient mental health facilities according to the department's policy as it existed immediately before September 1, 2015, and the policy is continued in effect for that purpose. This subsection expires September 1, 2017.

SECTION 3. Subchapter D, Chapter 1001, Health and Safety Code, is amended by adding Sections 1001.086, 1001.087, and 1001.088 to read as follows:

Sec. 1001.086. TREATMENT ALTERNATIVES TRAINING CURRICULUM FOR JUDGES AND ATTORNEYS. (a) The department, with input from the court of criminal appeals and the forensic director appointed under Section 532.013, shall develop and maintain a training curriculum for judges and attorneys that provides information on inpatient and outpatient treatment alternatives to inpatient commitment to a state hospital for a patient whom a court is ordering to receive mental health services:

(1) to attain competency to stand trial under Chapter 46B, Code of Criminal Procedure; or

(2) following an acquittal by reason of insanity under Chapter 46C, Code of Criminal Procedure.

(b) The training curriculum developed and maintained under Subsection (a) must include a guide to treatment alternatives, other than inpatient treatment at a state hospital, from which a

1 patient described by Subsection (a) may receive mental health
2 services.

3 Sec. 1001.087. CONTRACTING FOR AND ADMINISTRATION OF
4 CERTAIN FUNCTIONS RELATING TO SUBSTANCE ABUSE. (a) The department
5 may contract only with local mental health authorities and local
6 behavioral health authorities to administer outreach, screening,
7 assessment, and referral functions relating to the provision of
8 substance abuse services. A local mental health authority or local
9 behavioral health authority may subcontract with a substance abuse
10 or behavioral health service provider to provide those services.

11 (b) A local mental health authority or local behavioral
12 health authority who contracts with the department to administer
13 outreach, screening, assessment, and referral functions relating
14 to the provision of substance abuse services shall develop an
15 integrated service delivery model that, to the extent feasible,
16 uses providers who have historically administered outreach,
17 screening, assessment, and referral functions.

18 Sec. 1001.088. MENTAL HEALTH AND SUBSTANCE ABUSE HOTLINES.
19 The department shall ensure that each local mental health authority
20 and local behavioral health authority operates a toll-free
21 telephone hotline that enables a person to call a single hotline
22 number to obtain information from the authority about mental health
23 services, substance abuse services, or both.

24 SECTION 4. (a) Not later than November 1, 2015, the
25 commissioner of state health services shall establish a forensic
26 work group, and the executive commissioner of the Health and Human
27 Services Commission shall appoint members of that work group, as

1 required by Section 532.0131, Health and Safety Code, as added by
2 this Act.

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

7 SECTION 5. The commissioner of state health services shall
8 appoint a forensic director as required by Section 532.013, Health
9 and Safety Code, as added by this Act, as soon as practicable after
10 the effective date of this Act.

11 SECTION 6. Not later than March 1, 2016, the Department of
12 State Health Services shall develop the training curriculum
13 required by Section 1001.086, Health and Safety Code, as added by
14 this Act.

15 SECTION 7. Section 1001.087, Health and Safety Code, as
16 added by this Act, applies only to a contract that is entered into
17 or renewed on or after September 1, 2015. A contract that is
18 entered into or renewed before that date is governed by the law as
19 it existed immediately before September 1, 2015, and that law is
20 continued in effect for that purpose.

21 SECTION 8. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1507 passed the Senate on April 15, 2015, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendments on May 18, 2015, by the following vote: Yeas 28, Nays 2.

Secretary of the Senate

I hereby certify that S.B. No. 1507 passed the House, with amendments, on May 11, 2015, by the following vote: Yeas 127, Nays 5, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor