

1-1 By: Garcia, Rodríguez S.B. No. 1507
 1-2 (In the Senate - Filed March 12, 2015; March 23, 2015, read
 1-3 first time and referred to Committee on Health and Human Services;
 1-4 April 9, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 9, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1507 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the appointment of a forensic director responsible for
 1-22 statewide coordination and oversight of forensic mental health
 1-23 services overseen by the Department of State Health Services.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Chapter 532, Health and Safety Code, is amended
 1-26 by adding Sections 532.013 and 532.0131 to read as follows:

1-27 Sec. 532.013. FORENSIC DIRECTOR. (a) In this section:

1-28 (1) "Commissioner" means the commissioner of the
 1-29 department.

1-30 (2) "Department" means the Department of State Health
 1-31 Services.

1-32 (3) "Forensic patient" means a person with mental
 1-33 illness who is:

1-34 (A) examined on the issue of competency to stand
 1-35 trial by an expert appointed under Subchapter B, Chapter 46B, Code
 1-36 of Criminal Procedure;

1-37 (B) found incompetent to stand trial under
 1-38 Subchapter C, Chapter 46B, Code of Criminal Procedure;

1-39 (C) committed to court-ordered mental health
 1-40 services under Subchapter E, Chapter 46B, Code of Criminal
 1-41 Procedure; or

1-42 (D) found not guilty by reason of insanity under
 1-43 Chapter 46C, Code of Criminal Procedure.

1-44 (4) "Forensic services" means a competency
 1-45 examination, competency restoration services, or mental health
 1-46 services provided to a current or former forensic patient in the
 1-47 community or at a department facility.

1-48 (b) The commissioner shall appoint a forensic director.

1-49 (c) To be qualified for appointment as forensic director, a
 1-50 person must have proven expertise in the social, health, and legal
 1-51 systems for forensic patients, and in the intersection of those
 1-52 systems.

1-53 (d) The forensic director reports to the commissioner and is
 1-54 responsible for:

1-55 (1) statewide coordination and oversight of forensic
 1-56 services;

1-57 (2) any programs operated by the department relating
 1-58 to evaluation of forensic patients, transition of forensic patients
 1-59 from inpatient to outpatient or community-based services,
 1-60 community forensic monitoring, or forensic research and training;

2-1 and
2-2 (3) addressing issues with the delivery of forensic
2-3 services in the state, including:
2-4 (A) significant increases in populations with
2-5 serious mental illness and criminal justice system involvement;
2-6 (B) adequate availability of department
2-7 facilities for civilly committed forensic patients;
2-8 (C) wait times for forensic patients who require
2-9 competency restoration services;
2-10 (D) interruption of mental health services of
2-11 recently released forensic patients; and
2-12 (E) coordination of services provided to
2-13 forensic patients by state agencies.
2-14 Sec. 532.0131. FORENSIC WORKGROUP. (a) In this section,
2-15 "forensic patient" and "forensic services" have the meanings
2-16 assigned by Section 532.013.
2-17 (b) The commissioner shall establish a workgroup of experts
2-18 and stakeholders to make recommendations concerning the creation of
2-19 a comprehensive plan for the effective coordination of forensic
2-20 services.
2-21 (c) The workgroup must have not fewer than nine members,
2-22 with the commissioner selecting the total number of members at the
2-23 time the commissioner establishes the workgroup.
2-24 (d) The executive commissioner of the Health and Human
2-25 Services Commission shall appoint as members of the workgroup:
2-26 (1) a representative of the department;
2-27 (2) a representative of the Texas Department of
2-28 Criminal Justice;
2-29 (3) a representative of the Texas Juvenile Justice
2-30 Department;
2-31 (4) a representative of the Texas Correctional Office
2-32 on Offenders with Medical or Mental Impairments;
2-33 (5) a representative of the Sheriff's Association of
2-34 Texas;
2-35 (6) a superintendent of a state hospital with a
2-36 maximum security forensic unit;
2-37 (7) a representative of a local mental health
2-38 authority;
2-39 (8) a representative of the protection and advocacy
2-40 system of this state established in accordance with 42 U.S.C.
2-41 Section 15043, appointed by the administrative head of that system;
2-42 and
2-43 (9) additional members as needed to comply with the
2-44 number of members selected by the commissioner, who must be
2-45 recognized experts in forensic patients or persons who represent
2-46 the interests of forensic patients, and who may be advocates,
2-47 family members, psychiatrists, psychologists, social workers,
2-48 psychiatric nurses, or representatives of hospitals licensed under
2-49 Chapter 241 or 577.
2-50 (e) In developing recommendations, the workgroup may use
2-51 information compiled by other workgroups in the state, especially
2-52 workgroups for which the focus is mental health issues.
2-53 (f) Not later than July 1, 2016, the workgroup established
2-54 under this section shall send a report describing the workgroup's
2-55 recommendations to the lieutenant governor, the speaker of the
2-56 house of representatives, and the standing committees of the senate
2-57 and the house of representatives with primary jurisdiction over
2-58 forensic services.
2-59 (g) The executive commissioner of the Health and Human
2-60 Services Commission may adopt rules as necessary to implement this
2-61 section.
2-62 (h) The workgroup established under this section is
2-63 dissolved and this section expires November 1, 2019.
2-64 SECTION 2. (a) Not later than November 1, 2015, the
2-65 commissioner of the Department of State Health Services shall
2-66 establish a forensic workgroup, and the executive commissioner of
2-67 the Health and Human Services Commission shall appoint members of
2-68 that workgroup, as required by Section 532.0131, Health and Safety
2-69 Code, as added by this Act.

3-1 (b) Not later than November 1, 2015, the executive
3-2 commissioner of the Health and Human Services Commission shall
3-3 adopt any rules necessary for the implementation of Section 532.013
3-4 or 532.0131, Health and Safety Code, as added by this Act.

3-5 SECTION 3. The commissioner of the Department of State
3-6 Health Services shall appoint a forensic director as required by
3-7 Section 532.013, Health and Safety Code, as added by this Act, as
3-8 soon as practicable after the effective date of this Act.

3-9 SECTION 4. This Act takes effect immediately if it receives
3-10 a vote of two-thirds of all the members elected to each house, as
3-11 provided by Section 39, Article III, Texas Constitution. If this
3-12 Act does not receive the vote necessary for immediate effect, this
3-13 Act takes effect September 1, 2015.

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