

By: Johnson of Harris

H.B. No. 309

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

(3) persons who have been ordered by a court to receive inpatient mental health services under Chapter 574, Health and 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 of State Health Services, in operating  
7 the program, may provide or coordinate with other entities for the  
8 provision of housing, employment, family, peer counseling, and  
9 education supports to persons participating in the program.

10          (c) The executive commissioner by rule shall develop  
11 needs-based criteria to determine a person's eligibility for the  
12 program. In adopting the rules, the executive commissioner shall  
13 consider the funds available for the program. The executive  
14 commissioner shall adopt any other rules necessary to implement the  
15 program established under this section, including rules that define  
16 what constitutes a severe and persistent mental illness for  
17 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, 2017.