

By: Reynolds

H.B. No. 3617

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a mental health jail diversion and crisis stabilization unit pilot program.

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

SECTION 1. Subtitle C, Title 7, Health and Safety Code, is amended by adding Chapter 581 to read as follows:

CHAPTER 581. MENTAL HEALTH JAIL DIVERSION AND CRISIS STABILIZATION UNIT PILOT PROGRAM; FORT BEND COUNTY

Sec. 581.001. DEFINITIONS. In this chapter:

(1) "Commissioner" means the commissioner of state health services.

(2) "County judge" means the county judge of Fort Bend County.

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

Sec. 581.002. MENTAL HEALTH JAIL DIVERSION AND CRISIS STABILIZATION UNIT PILOT PROGRAM. The department, in cooperation with the county judge, shall establish a pilot program in Fort Bend County to be implemented by the county judge to:

(1) provide short-term residential treatment in a crisis stabilization unit that includes medical, behavioral health, case management, and nursing services for persons with mental illness who are at risk of incarceration or are incarcerated in the Fort Bend County jail; and

1 (2) reduce recidivism and the frequency of arrests and
2 incarceration among persons with mental illness in that county.

3 Sec. 581.003. CRIMINAL JUSTICE MENTAL HEALTH SERVICE MODEL.

4 The county judge shall design and test through the pilot program a
5 criminal justice mental health service model oriented toward
6 providing short-term residential treatment in a crisis
7 stabilization unit that includes medical, behavioral health, case
8 management, and nursing services and aims to reduce the recidivism
9 and frequency of arrests for persons with mental illness in the Fort
10 Bend County jail. The model initially must apply the critical time
11 intervention principle described by Section 581.004 and must
12 include the following elements:

13 (1) medical and nursing services;

14 (2) low caseload management;

15 (3) multilevel residential services; and

16 (4) easy access to:

17 (A) integrated health, mental health, and
18 chemical dependency services;

19 (B) benefits acquisition services;

20 (C) multiple rehabilitation services; and

21 (D) coordinated legal and provider systems.

22 Sec. 581.004. CRITICAL TIME INTERVENTION. The pilot
23 program, in applying the critical time intervention principle, must
24 give persons with mental illness access to needed social, clinical,
25 housing, and benefit services in a timely manner.

26 Sec. 581.005. LOCAL SERVICES COORDINATION. In designing
27 the criminal justice mental health service model, the county judge

1 shall seek input from and coordinate the provision of services with
2 the following local entities:

3 (1) the Fort Bend County Sheriff's Office;

4 (2) county or municipal law enforcement agencies;

5 (3) the mental health division of the office of the
6 district attorney of Fort Bend County;

7 (4) the Fort Bend County public defender;

8 (5) Fort Bend County Behavioral Health Services;

9 (6) specially trained law enforcement crisis
10 intervention teams and crisis intervention response teams;

11 (7) providers of guardianship services;

12 (8) providers of case management;

13 (9) providers of assertive community treatment;

14 (10) providers of crisis stabilization services;

15 (11) providers of intensive and general supportive
16 housing;

17 (12) providers of telehealth services;

18 (13) providers of information technology;

19 (14) providers that address social determinants of
20 health; and

21 (15) providers of integrated mental health and
22 substance abuse inpatient, outpatient, and rehabilitation
23 services, including the local mental health authority.

24 Sec. 581.006. PROGRAM CAPACITY. (a) In implementing the
25 pilot program, the county judge shall ensure the program has the
26 resources to provide mental health jail diversion services to not
27 fewer than 50 individuals.

1 (b) The county judge shall endeavor to serve each year the
2 program operates not fewer than 50 or more than 100 individuals
3 cumulatively.

4 (c) Before the county judge implements the pilot program,
5 the department and the county judge jointly shall establish clear
6 criteria for identifying a target population to be served by the
7 program. The criteria must prioritize serving a target population
8 composed of members with the highest risks of recidivism. The
9 county judge, in consultation with the appropriate entities listed
10 in Section 581.005, may adjust the criteria established under this
11 subsection during the operation of the program provided the
12 adjusted criteria are clearly articulated.

13 Sec. 581.007. FINANCING THE PROGRAM. (a) The creation of
14 the pilot program under this chapter is contingent on the
15 continuing agreement of the Commissioners Court of Fort Bend County
16 to contribute to the program each year in which the program operates
17 services for persons with mental illness equivalent in value to
18 funding provided by the state for the program.

19 (b) It is the intent of the legislature that appropriations
20 made to pay for the pilot program are made in addition to and will
21 not reduce the amount of appropriations made in the regular funding
22 of a local authority for intellectual and developmental
23 disabilities or a local mental health authority that serves Fort
24 Bend County.

25 (c) The Commissioners Court of Fort Bend County may seek and
26 receive gifts and grants from federal sources, foundations,
27 individuals, and other sources for the benefit of the pilot

1 program.

2 Sec. 581.008. INSPECTIONS. The department may make
3 inspections of the operation of and provision of mental health jail
4 diversion services through the pilot program on behalf of the state
5 to ensure state money appropriated for the pilot program is used
6 effectively.

7 Sec. 581.009. REPORT. (a) Not later than December 1, 2022,
8 the commissioner shall evaluate and submit a report concerning the
9 effect of the pilot program in providing short-term residential
10 treatment in a crisis stabilization unit that includes medical,
11 behavioral health, case management, and nursing services and
12 reducing recidivism and the frequency of arrests and incarceration
13 among persons with mental illness in Fort Bend County to the
14 governor, the lieutenant governor, the speaker of the house of
15 representatives, and the presiding officers of the standing
16 committees of the senate and house of representatives having
17 primary jurisdiction over health and human services issues and over
18 criminal justice issues.

19 (b) The report must include a description of the features of
20 the criminal justice mental health service model developed and
21 tested under the pilot program and the commissioner's
22 recommendation whether to expand use of the model statewide.

23 (c) In conducting the evaluation required under Subsection
24 (a), the commissioner shall compare the rate of recidivism in Fort
25 Bend County among persons in the target population before the date
26 the program is implemented in the community to the rate of
27 recidivism among those persons two years after the date the program

1 is implemented in the community and three years after the date the
2 program is implemented in the community. The commissioner may
3 include in the evaluation measures of the effectiveness of the
4 program related to the well-being of persons served under the
5 program.

6 Sec. 581.010. CONCLUSION; EXPIRATION. The pilot program
7 established under this chapter concludes and this chapter expires
8 September 1, 2023.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2019.