

By: Cortez

H.B. No. 3621

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a mental health jail diversion pilot program in Bexar County.

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 PILOT PROGRAM; BEXAR COUNTY

Sec. 581.001. DEFINITION. In this chapter, "commission" means the Health and Human Services Commission.

Sec. 581.002. MENTAL HEALTH JAIL DIVERSION PILOT PROGRAM. The commission, in cooperation with the local mental health authority that serves Bexar County, shall establish a pilot program in Bexar County for the purpose of reducing recidivism and the frequency of arrests and incarceration among persons with mental illness in that county.

Sec. 581.003. CRIMINAL JUSTICE MENTAL HEALTH SERVICE MODEL. The local mental health authority that serves Bexar County shall design and test through the pilot program a criminal justice mental health service model oriented toward facilitating treatment for persons with mental illness and substance use disorders to reduce recidivism and frequency of arrests and incarceration of persons with mental illness in Bexar County. The model must include evidence-based practices, including:

- 1 (1) psychiatric services;
- 2 (2) substance use disorder treatments;
- 3 (3) treatment for co-occurring mental health and
4 substance use disorders;
- 5 (4) integrated primary care, mental health, and
6 chemical dependency services;
- 7 (5) motivational interviews to decrease recidivism;
- 8 (6) methods to maintain sobriety;
- 9 (7) medical detoxification services;
- 10 (8) intensive case management to address social
11 determinants of health;
- 12 (9) local mental health authority hospital liaison
13 transitional services, including case management;
- 14 (10) medication-assisted treatment; and
- 15 (11) treatment of medical issues, including through
16 inpatient hospitalization if necessary.

17 Sec. 581.004. LOCAL SERVICES COORDINATION. In designing
18 the criminal justice mental health service model described by
19 Section 581.003, the local mental health authority that serves
20 Bexar County shall coordinate with University of the Incarnate Word
21 and Southwest General Hospital. In providing services under the
22 pilot program, the local mental health authority shall use
23 personnel enrolled in established post-graduate residency training
24 programs through the Texas Institute of Graduate Medical Education
25 and Research.

26 Sec. 581.005. PROGRAM CAPACITY. (a) In implementing the
27 pilot program, the commission shall ensure the program has the

1 resources to provide mental health and substance use disorder
2 treatment for incarceration diversion services for not fewer than
3 10 inpatient beds and for stays of a period of 60 to 90 days.

4 (b) Before the commission implements the pilot program, the
5 commission and the local mental health authority that serves Bexar
6 County jointly shall establish clear criteria for identifying a
7 target population to be served by the program. The criteria must
8 prioritize serving a target population composed of members at high
9 risk of recidivism and with severe mental illness, substance use
10 disorders, or co-occurring mental illness and substance use
11 disorders.

12 Sec. 581.006. FINANCING THE PROGRAM. (a) In consultation
13 with the local mental health authority that serves Bexar County and
14 Southwest General Hospital, the commission shall pay a case rate at
15 the rate at which services are funded for the pilot program. The
16 creation of the pilot program under this chapter is contingent on
17 funding from the commission for persons with mental illness or
18 substance use disorders provided by the state for the program.

19 (b) It is the intent of the legislature that appropriations
20 made to fund the pilot program are made in addition to and will not
21 reduce the amount of appropriations otherwise made to the local
22 mental health authority that serves Bexar County.

23 (c) The local mental health authority that serves Bexar
24 County may seek and receive gifts and grants from federal sources,
25 foundations, individuals, and other sources for the benefit of the
26 pilot program.

27 Sec. 581.007. INSPECTIONS. The commission may make

1 inspections of the operation of, and provision of mental health and
2 substance use treatment for incarceration diversion services
3 through, the pilot program on behalf of the state to ensure state
4 funds are used effectively.

5 Sec. 581.008. REPORT. (a) Not later than December 1, 2022,
6 the executive commissioner shall evaluate and submit a report
7 concerning the effectiveness of the pilot program in reducing
8 recidivism and the frequency of arrests and incarceration of
9 persons with mental illness and substance use disorders in Bexar
10 County to the governor, the lieutenant governor, the speaker of the
11 house of representatives, and the presiding officers of the
12 standing committees of the senate and house of representatives
13 having primary jurisdiction over health and human services issues
14 and over criminal justice issues.

15 (b) The report must include a description of the features of
16 the criminal justice mental health service model designed and
17 tested under the pilot program and the executive commissioner's
18 recommendation whether to expand use of the model statewide.

19 (c) In conducting the evaluation required under Subsection
20 (a), the executive commissioner shall compare the rate of
21 recidivism in Bexar County among persons in the target population
22 before the date the pilot program is implemented in the community to
23 the rate of recidivism among those persons one year after the date
24 the program is implemented in the community. The executive
25 commissioner may include in the evaluation measures of the
26 effectiveness of the program related to the well-being of persons
27 served under the program.

1 Sec. 581.009. CONCLUSION; EXPIRATION. The pilot program
2 established under this chapter concludes and this chapter expires
3 September 1, 2023.

4 SECTION 2. This Act takes effect September 1, 2021.