

By: Blanco

S.B. No. 539

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a study on employing mental health professionals or
3 mental health response teams to assist when responding to a
4 behavioral health-related emergency call.

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

6 SECTION 1. (a) In this Act:

7 (1) "Commission" means the Health and Human Services
8 Commission.

9 (2) "Law enforcement agency" means an office,
10 department, or other division of a political subdivision that is
11 authorized to employ a law enforcement officer.

12 (3) "Law enforcement officer" means a municipal police
13 officer, sheriff, deputy sheriff, constable, deputy constable,
14 marshal, or deputy marshal.

15 (4) "Mental health professional" does not include a
16 law enforcement officer certified to be a special officer for
17 offenders with mental impairments under Section [1701.404](#),
18 Occupations Code.

19 (5) "Mental health response team" includes:

20 (A) a mobile crisis outreach team;

21 (B) a mental health response model that serves as
22 an alternative to traditional law enforcement and employs mental
23 health professionals, whether connected to or independent of a law
24 enforcement agency; and

1 (C) a community mental health crisis call center.

2 (b) The commission shall conduct a study to evaluate the
3 availability, outcomes, and efficacy of using mental health
4 response teams and mental health professionals to assist in
5 reducing the number of incarcerations of individuals with:

6 (1) mental illnesses;

7 (2) substance use disorders; or

8 (3) intellectual or developmental disabilities.

9 (c) In conducting the study, the commission shall evaluate
10 which types of behavioral health-related emergency calls or other
11 community interactions have been safely resolved wholly or partly
12 by a mental health professional or mental health response team.
13 Emergency calls and community interactions evaluated under this
14 subsection include circumstances where a mental health
15 professional or mental health response team responds to an
16 emergency call in person or by telephone and when a professional or
17 team responds to a behavioral health-related emergency call with a
18 law enforcement officer. A safely resolved situation includes:

19 (1) preventing the incarceration of the person
20 experiencing the behavioral health crisis;

21 (2) de-escalating the situation; and

22 (3) receiving positive feedback from the community.

23 (d) In conducting the study, the commission shall evaluate
24 community-based outcomes of behavioral health-related emergency
25 calls responded to by a mental health professional or a mental
26 health response team. A community-based outcome may include:

27 (1) preventing persons with mental illness, persons

1 with substance use disorders, and persons with intellectual or
2 developmental disabilities from entering the criminal justice
3 system;

4 (2) an increase in referrals to community resources or
5 treatment options for community members with mental illness or
6 substance use disorders;

7 (3) an increase in referrals described by Subdivision
8 (2) that result in responsive short-term treatment or long-term
9 case management; and

10 (4) an impact on the number of referrals to resources
11 in the community serving persons with intellectual or developmental
12 disabilities.

13 (e) The information described by Subsection (d) must be
14 disaggregated by age, race, ethnicity, gender, veteran status,
15 income level, whether the individual presented with a mental
16 illness, whether the individual presented with a substance use
17 disorder, and whether the individual presented with an intellectual
18 or developmental disability.

19 (f) In conducting the study, the commission shall include an
20 assessment of whether the information suggests that municipalities
21 would benefit from mental health response teams assisting
22 traditional law enforcement officers in efforts to:

23 (1) reduce the incarceration rates of persons with
24 mental illness, substance use disorders, and intellectual or
25 developmental disorders;

26 (2) increase the number of referrals to community
27 resources and treatment for persons described by Subdivision (1);

1 (3) reduce the use of force when responding to
2 emergency calls that involve persons described by Subdivision (1);
3 and

4 (4) gain understanding about persons described by
5 Subdivision (1).

6 (g) In conducting the study, the commission shall evaluate
7 the fiscal and staffing implications to a law enforcement agency
8 for agency use of a mental health response team to respond remotely
9 to emergency calls.

10 (h) In conducting the study, the commission shall evaluate
11 the impact of certain funding sources on establishing mental health
12 response teams across this state, especially the impact to the
13 establishment, staffing, and maintenance of those teams. Funding
14 sources that the commission must consider include funding:

15 (1) from a waiver under Section 1115 of the Social
16 Security Act (42 U.S.C. Section 1315);

17 (2) allocated by Chapter 528 (S.B. 292), Acts of the
18 85th Legislature, Regular Session, 2017; or

19 (3) from other funding sources implemented by
20 municipalities.

21 (i) The commission shall gather information for the study
22 from:

23 (1) each county in this state;

24 (2) each local mental health authority in this state;

25 and

26 (3) each city in this state with a population greater
27 than 100,000.

1 (j) Information collected for the study must include not
2 less than two years of information regarding the use of mental
3 health response teams by a law enforcement agency unless the law
4 enforcement agency has not been using mental health response teams
5 or mental health professionals for two years.

6 (k) Not later than December 1, 2022, the commission shall
7 prepare and submit to the governor and the legislature a written
8 report containing the results of the study and any recommendations
9 for legislative or other action, including any additional insights
10 about the operation and outcomes of mental health response teams
11 that the department considers significant. The commission shall
12 post the report on the commission's Internet website.

13 SECTION 2. This Act expires September 1, 2023.

14 SECTION 3. This Act takes effect September 1, 2021.