

BILL ANALYSIS

Senate Research Center

S.B. 1677
By: Perry
Health & Human Services
6/16/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There has been a shortage of mental health beds across Texas and wait lists are months long for competency restoration.

S.B. 1677 provides Health and Human Services Commission (HHSC) assistance to counties under 250,000 to apply for S.B. 292 and H.B. 13 funds from the 85th session for jail-based competency restoration, jail diversion, and adolescent behavioral health.

The substitute further requires HHSC to re-let contracts for new funding under S.B. 292 and H.B. 13 from the 85th session so that new entities can participate in the grant funding.

Lastly, the substitute requires the Office of the State Auditor to conduct an audit of the forensic waitlist for competency restoration, a provision that was adopted as a House Rider to H.B. 1.

S.B. 1677 amends current law relating to the establishment and administration of Health and Human Services Commission programs providing mental health services to certain individuals in this state.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 5 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 531.0991, Government Code, by adding Subsection (e-1), as follows:

(e-1) Requires the Health and Human Service Commission (HHSC), if HHSC is appropriated money to implement Section 531.0991 (Grant Program for Mental Health Services) for a state fiscal year in an amount that exceeds the total amount of grants awarded under this section in the previous state fiscal year, in selecting grant recipients for the excess amount, to accept applications or proposals from applicants that were not selected as grant recipients under this section in the previous state fiscal year or applicants that were selected as grant recipients but require additional funding for the recipient's community mental health program for purposes of this section.

SECTION 2. Amends Section 531.0993, Government Code, by adding Subsections (d-1) and (d-2), as follows:

(d-1) Requires HHSC to establish procedures to assist a community collaborative that includes a county with a population of less than 250,000 with submission of a petition under Subsection (d) (relating to requiring a community collaborative to submit a petition to HHSC not later than the 30th day of that fiscal year for each state fiscal year for which the collaborative seeks a grant).

(d-2) Requires HHSC, if HHSC is appropriated money to implement Section 531.0993 (Grant Program to Reduce Recidivism, Arrest, and Incarceration Among Individuals

With Mental Illness and to Reduce Wait Time for Forensic Commitment) for a state fiscal year in an amount that exceeds the total amount of grants awarded under this section in the previous state fiscal year, in selecting grant recipients for the excess amount, to accept petitions from community collaboratives that were not selected as grant recipients under this section in the previous state fiscal year or collaboratives that were selected as grant recipients in the previous state fiscal year but require additional funding for the recipient's collaborative for purposes of this section.

SECTION 3. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.09936, as follows:

Sec. 531.09936. ESTABLISHMENT OR EXPANSION OF REGIONAL BEHAVIORAL HEALTH CENTERS OR JAIL DIVERSION CENTERS. (a) Defines "governmental entity," "local mental health authority," and "nonprofit organization."

(b) Requires HHSC, in cooperation with local mental health authorities located primarily in rural areas of this state, to the extent money is appropriated to HHSC for that purpose, to contract with nonprofit organizations or governmental entities to establish or expand behavioral health centers or jail diversion centers in the authorities' local service areas to:

(1) provide additional forensic hospital beds and competency restoration services;

(2) provide inpatient and outpatient mental health services to adults and children; and

(3) provide services to reduce recidivism and the frequency of arrest, incarceration, and emergency detentions among persons with mental illness in the service areas.

(c) Requires the executive commissioner of HHSC (executive commissioner) to develop criteria for the evaluation of applications or proposals submitted by a nonprofit organization or governmental entity seeking to contract with HHSC under this section.

(d) Prohibits this section from being construed to affect a grant program established by HHSC under this code.

SECTION 4. (a) Requires the Office of the State Auditor to conduct an audit of the inmates in county jails who are waiting for a forensic hospital bed for the provision of competency restoration services. Requires that the audit identify any issues and inefficiencies in the commitment process.

(b) Requires the state auditor to prepare a report of the audit conducted under Subsection (a) of this section and publish the report on the state auditor's Internet website not later than December 1, 2024. Requires that the report include:

(1) a review of the history and status of the waitlist beginning September 2018 through the most current year for which information is available;

(2) any disparities in treatment in the forensic commitment process based on race, gender, ethnicity, or age; and

(3) any other analysis the state auditor determines appropriate.

(c) Provides that this section expires September 1, 2025.

SECTION 5. Requires the executive commissioner to adopt rules necessary to implement Sections 531.0993(d-1) and 531.09936, Government Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 6. Effective date: September 1, 2023.