

By: Perry

S.B. No. 1677

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the establishment and administration of Health and  
3 Human Services Commission programs providing mental health  
4 services to certain individuals in this state.

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

6 SECTION 1. Section 531.0991, Government Code, is amended by  
7 adding Subsection (e-1) to read as follows:

8 (e-1) If the commission is appropriated money to implement  
9 this section for a state fiscal year in an amount that exceeds the  
10 total amount of grants awarded under this section in the previous  
11 state fiscal year, the commission, in selecting grant recipients  
12 for the excess amount, must accept applications or proposals from  
13 applicants that were not selected as grant recipients under this  
14 section in the previous state fiscal year or applicants that were  
15 selected as grant recipients but require additional funding for the  
16 recipient's community mental health program for purposes of this  
17 section.

18 SECTION 2. Section 531.0993, Government Code, is amended by  
19 adding Subsections (d-1) and (d-2) to read as follows:

20 (d-1) The commission shall establish procedures to assist a  
21 community collaborative that includes a county with a population of  
22 less than 250,000 with submission of a petition under Subsection  
23 (d).

24 (d-2) If the commission is appropriated money to implement

1 this section for a state fiscal year in an amount that exceeds the  
2 total amount of grants awarded under this section in the previous  
3 state fiscal year, the commission, in selecting grant recipients  
4 for the excess amount, must accept petitions from community  
5 collaboratives that were not selected as grant recipients under  
6 this section in the previous state fiscal year or collaboratives  
7 that were selected as grant recipients in the previous state fiscal  
8 year but require additional funding for the recipient's  
9 collaborative for purposes of this section.

10 SECTION 3. Subchapter B, Chapter 531, Government Code, is  
11 amended by adding Section 531.09936 to read as follows:

12 Sec. 531.09936. ESTABLISHMENT OR EXPANSION OF REGIONAL  
13 BEHAVIORAL HEALTH CENTERS OR JAIL DIVERSION CENTERS. (a) In this  
14 section:

15 (1) "Local mental health authority" has the meaning  
16 assigned by Section 531.002, Health and Safety Code.

17 (2) "Nonprofit organization" means an organization  
18 that is exempt from federal income taxation under Section 501(a),  
19 Internal Revenue Code of 1986, by being listed as an exempt entity  
20 under Section 501(c)(3) of that code.

21 (b) To the extent money is appropriated to the commission  
22 for that purpose, the commission, in cooperation with local mental  
23 health authorities located primarily in rural areas of this state,  
24 shall contract with nonprofit organizations to establish or expand  
25 behavioral health centers or jail diversion centers in the  
26 authorities' local service areas to:

27 (1) provide additional forensic hospital beds and

1 competency restoration services;

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

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

7 (c) The executive commissioner shall develop criteria for  
8 the evaluation of applications or proposals submitted by a  
9 nonprofit organization seeking to contract with the commission  
10 under this section.

11 (d) This section may not be construed to affect a grant  
12 program established by the commission under this code.

13 SECTION 4. (a) The state auditor's office shall conduct an  
14 audit of the inmates in county jails who are waiting for a forensic  
15 hospital bed for the provision of competency restoration services.  
16 The audit must identify any issues and inefficiencies in the  
17 commitment process.

18 (b) Not later than December 1, 2024, the state auditor shall  
19 prepare a report of the audit conducted under Subsection (a) of this  
20 section and publish the report on the state auditor's Internet  
21 website. The report must include:

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

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

27 (3) any other analysis the state auditor determines

1 appropriate.

2 (c) This section expires September 1, 2025.

3 SECTION 5. As soon as practicable after the effective date  
4 of this Act, the executive commissioner of the Health and Human  
5 Services Commission shall adopt rules necessary to implement  
6 Sections [531.0993\(d-1\)](#) and 531.09936, Government Code, as added by  
7 this Act.

8 SECTION 6. This Act takes effect September 1, 2023.