

By: Harris Davila

H.B. No. 5121

A BILL TO BE ENTITLED

AN ACT

relating to inpatient competency restoration services.

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 580 to read as follows:

CHAPTER 580. INPATIENT COMPETENCY RESTORATION SERVICES

Sec. 580.001. DEFINITIONS. In this chapter:

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

(2) "Competency restoration" has the meaning assigned by Article 46B.001, Code of Criminal Procedure.

(3) "Residential care facility" has the meaning assigned by Section 591.003.

Sec. 580.002. APPLICABILITY. This chapter applies only to a facility that contracts with the commission to provide inpatient competency restoration services for an individual to stand trial in accordance with Chapter 46B, Code of Criminal Procedure.

Sec. 580.003. MEMORANDUM OF UNDERSTANDING. The executive commissioner by rule shall require each facility to which this chapter applies to enter into a memorandum of understanding with the county and municipality in which the facility is located and each local mental health authority and local behavioral health authority that operates in the county or municipality, as applicable, to outline the respective powers and duties of the

1 parties with respect to inpatient competency restoration services.

2 Sec. 580.004. ANNUAL REPORT TO COMMISSION. (a) The
3 commission shall require each facility to which this chapter
4 applies to annually provide to the commission, in the form and
5 manner the commission requires, the following information for the
6 preceding year regarding individuals who received inpatient
7 competency restoration services at the facility:

8 (1) the total number of individuals who received
9 inpatient competency restoration services at the facility and the
10 number of those individuals who were restored to competency;

11 (2) for those individuals who were restored to
12 competency, the average number of days the individuals received
13 services at the facility;

14 (3) the number of individuals who were restored to
15 competency after receiving services at the facility for not more
16 than 60 days;

17 (4) the number of individuals who were not restored to
18 competency within the initial restoration period and for whom a
19 treatment extension was sought;

20 (5) the number of individuals who were not restored to
21 competency and who were transferred to an inpatient mental health
22 facility or residential care facility; and

23 (6) for individuals who were not restored to
24 competency, the average length of time between the date a
25 determination was made that an individual was not restored to
26 competency and the date the individual was transferred to an
27 inpatient mental health facility or residential care facility.

1 (b) The data in the report must be disaggregated by whether
2 the individual was charged with a misdemeanor or felony offense and
3 by any other appropriate demographic factors determined by the
4 commission.

5 Sec. 580.005. ANNUAL REPORT TO LEGISLATURE. Not later than
6 September 1 of each year, the commission shall prepare and submit to
7 the legislature a written report on inpatient competency
8 restoration services in this state for the preceding year. The
9 report must include:

10 (1) a performance evaluation of each facility to which
11 this chapter applies;

12 (2) aggregated demographic data on individuals who
13 received inpatient competency restoration services at a facility to
14 which this chapter applies, including the criminal offenses the
15 individuals were charged with, the individuals' countries of
16 origin, and the individuals' diagnoses, if applicable; and

17 (3) the overall cost of providing inpatient competency
18 restoration services at a facility to which this chapter applies
19 compared to the cost of:

20 (A) providing forensic inpatient competency
21 restoration services at a state hospital; and

22 (B) other competency restoration programs
23 managed by the commission.

24 SECTION 2. Notwithstanding Section 580.005, Health and
25 Safety Code, as added by this Act, the Health and Human Services
26 Commission is not required to submit the initial report required by
27 that section until September 1, 2027.

1 SECTION 3. This Act takes effect September 1, 2025.