

By: Price

H.B. No. 3000

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility for medical assistance of certain persons with mental illness confined in certain facilities, certain duties of the Office of Court Administration of the Texas Judicial System related to persons with mental illness, and the creation of a grant program to reduce recidivism of persons with mental illness.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0266 to read as follows:

Sec. 32.0266. SUSPENSION AND AUTOMATIC REINSTATEMENT OF ELIGIBILITY FOR CERTAIN INMATES. (a) In this section, "department" means the Texas Department of Criminal Justice.

(b) The eligibility for medical assistance of an inmate in the custody of the department is suspended during the period of custody if the inmate is determined by a physician to be a person with mental illness.

(c) An inmate whose eligibility for medical assistance is suspended under this section is automatically reinstated on the date the individual is released from the custody of the department. Following the reinstatement, the individual whose eligibility was suspended while an inmate in the custody of the department remains eligible until the expiration of the period of months for which the individual was certified as eligible, excluding the period during which the individual's eligibility was suspended.

1        (d) The executive commissioner and the department by rule  
2 shall adopt a memorandum of understanding that establishes the  
3 respective responsibilities of the commission and the department to  
4 ensure the suspension and automatic reinstatement of the  
5 eligibility of an individual for medical assistance under this  
6 section. The memorandum of understanding must establish methods  
7 for:

8            (1) identifying inmates in the custody of the  
9 department who have mental illness and who are eligible for medical  
10 assistance; and

11           (2) coordinating the period of an inmate's  
12 incarceration with the period of the inmate's suspension of  
13 eligibility for medical assistance under this section to ensure  
14 suspension under this section begins on the date the department's  
15 custody of the individual begins, and reinstatement under this  
16 section occurs on the date the individual is released from the  
17 department's custody.

18        SECTION 2. Subchapter C, Chapter 72, Government Code, is  
19 amended by adding Section 72.032 to read as follows:

20        Sec. 72.032. BEST PRACTICES EDUCATION. The director shall  
21 make available to courts information concerning best practices for  
22 addressing the needs of persons with mental illness in the court  
23 system, including the use of the preferred terms and phrases  
24 provided by Section 392.002.

25        SECTION 3. Chapter 121, Government Code, is amended by  
26 adding Section 121.003 to read as follows:

27        Sec. 121.003. SPECIALTY COURTS REPORT. (a) In this

1 section, "office" means the Office of Court Administration of the  
2 Texas Judicial System.

3 (b) For the period beginning September 1, 2017, and ending  
4 September 1, 2018, the office shall collect information from  
5 specialty courts in this state regarding outcomes of participants  
6 in those specialty courts who are persons with mental illness,  
7 including recidivism rates of those participants, and other  
8 relevant information as determined by the office.

9 (c) Not later than December 1, 2018, the office shall submit  
10 to the legislature a report containing and evaluating the  
11 information collected under Subsection (a).

12 (d) This section expires September 1, 2019.

13 SECTION 4. Subchapter B, Chapter 531, Government Code, is  
14 amended by adding Section 531.0993 to read as follows:

15 Sec. 531.0993. GRANT PROGRAM TO REDUCE RECIDIVISM, ARREST,  
16 AND INCARCERATION AMONG INDIVIDUALS WITH MENTAL ILLNESS AND TO  
17 REDUCE WAIT TIME FOR FORENSIC COMMITMENT. (a) For purposes of this  
18 section, "low-income household" means a household with a total  
19 income at or below 200 percent of the federal poverty guideline.

20 (b) The commission shall establish a program to award grants  
21 to county-based community collaboratives for the purposes of  
22 reducing:

23 (1) recidivism by, the frequency of arrests of, and  
24 incarceration of persons with mental illness; and

25 (2) the total waiting time for forensic commitment of  
26 persons with mental illness to a state hospital.

27 (c) A community collaborative may petition the commission

1 for a grant under the program only if the collaborative includes a  
2 county, a local mental health authority that operates in the  
3 county, and each hospital district, if any, located in the county.  
4 A community collaborative may include other local entities  
5 designated by the collaborative's members.

6 (d) The commission shall condition each grant awarded to a  
7 community collaborative under this section on the collaborative  
8 providing matching funds from non-state sources in a total amount  
9 at least equal to the awarded grant amount. To raise matching  
10 funds, a collaborative may seek and receive gifts, grants, or  
11 donations from any person.

12 (e) For each state fiscal year for which a community  
13 collaborative seeks a grant, the collaborative must submit a  
14 petition to the commission not later than the first day of that  
15 fiscal year. The community collaborative must include with a  
16 petition:

17 (1) a statement indicating the amount of matching  
18 funds the collaborative is able to provide; and

19 (2) a plan that:

20 (A) is endorsed by each of the collaborative's  
21 member entities;

22 (B) identifies a target population;

23 (C) describes how the grant money and matching  
24 funds will be used;

25 (D) includes outcome measures to evaluate the  
26 success of the plan; and

27 (E) describes how the success of the plan in

1 accordance with the outcome measures would further the state's  
2 interest in the grant program's purposes.

3 (f) The commission must review and approve plans submitted  
4 with a petition under Subsection (e) before the commission awards a  
5 grant under this section. If the commission determines that a plan  
6 includes insufficient outcome measures, the commission may make the  
7 necessary changes to the plan to establish appropriate outcome  
8 measures. The commission may not make other changes to a plan.

9 (g) For each petition timely submitted and containing the  
10 statement and plan required by Subsection (e), the commission shall  
11 estimate the number of cases of serious mental illness in  
12 low-income households located in the county included in the  
13 community collaborative that submitted the petition.

14 (h) For each state fiscal year, the commission shall  
15 determine an amount of grant money available for the program on a  
16 per-case basis by dividing the total amount of money appropriated  
17 to the commission for the purpose of awarding grants under this  
18 section for that fiscal year by the total number of the cases  
19 estimated under Subsection (g) for all collaboratives to which the  
20 commission intends to award grants under this section.

21 (i) The commission shall make available to a community  
22 collaborative awarded a grant under this section a grant in an  
23 amount equal to the lesser of:

24 (1) the amount determined by multiplying the per-case  
25 amount determined under Subsection (h) by the number of cases of  
26 serious mental illness in low-income households estimated for that  
27 collaborative under Subsection (g); or

1           (2) the collaborative's available matching funds.

2           (j) Acceptable uses for the grant money and matching funds  
3 include:

4           (1) the continuation of a mental health jail diversion  
5 program;

6           (2) the establishment or expansion of a mental health  
7 jail diversion program;

8           (3) the establishment of alternatives to competency  
9 restoration in a state hospital, including outpatient competency  
10 restoration, inpatient competency restoration in a setting other  
11 than a state hospital, or jail-based competency restoration;

12           (4) the provision of assertive community treatment or  
13 forensic assertive community treatment with an outreach component;

14           (5) the provision of intensive mental health services  
15 and substance abuse treatment not readily available in the county;

16           (6) the provision of continuity of care services for  
17 an individual being released from a state hospital;

18           (7) the establishment of interdisciplinary rapid  
19 response teams to reduce law enforcement's involvement with mental  
20 health emergencies; and

21           (8) the provision of local community hospital, crisis,  
22 respite, or residential beds.

23           (k) Not later than the 90th day after the last day of the  
24 state fiscal year for which the commission distributes a grant  
25 under this section, each community collaborative that receives a  
26 grant shall prepare and submit a report describing the effect of the  
27 grant money and matching funds in achieving the standard defined by

1 the outcome measures in the plan submitted under Subsection (e).

2 (1) The commission may make inspections of the operation and  
3 provision of mental health services provided by a community  
4 collaborative to ensure state money appropriated for the grant  
5 program is used effectively.

6 SECTION 5. The changes in law made by this Act apply to an  
7 individual who is released from a facility or other setting  
8 described by Section 32.0266, Human Resources Code, as added by  
9 this Act, on or after the effective date of this Act, regardless of  
10 the date the individual was:

11 (1) confined in a facility or other setting described  
12 by Section 32.0266, Human Resources Code, as added by this Act; or

13 (2) determined eligible for medical assistance under  
14 Chapter 32, Human Resources Code.

15 SECTION 6. If before implementing any provision of Section  
16 32.0266, Human Resources Code, as added by this Act, a state agency  
17 determines that a waiver or authorization from a federal agency is  
18 necessary for implementation of that provision, the agency affected  
19 by the provision shall request the waiver or authorization and may  
20 delay implementing that provision until the waiver or authorization  
21 is granted.

22 SECTION 7. This Act takes effect September 1, 2017.