

SUBJECT: Appointment of a forensic director overseen by DSHS

COMMITTEE: Public Health — committee substitute recommended

VOTE: 11 ayes — Crownover, Naishtat, Blanco, Coleman, Collier, S. Davis, Guerra, R. Miller, Sheffield, Zedler, Zerwas

0 nays

WITNESSES: For — Kathryn Lewis, Disability Rights Texas; Lee Johnson, Texas Council of Community Centers; Kate Murphy, Texas Public Policy Foundation; (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; Seth Mitchell, Bexar County Commissioners Court; Katharine Ligon, Center for Public Policy Priorities; Dennis Borel, Coalition of Texans with Disabilities; Eric Woomer, Federation of Texas Psychiatry; Bill Kelly, Mental Health America of Greater Houston; Cate Graziani, Mental Health America of Texas; Miryam Bujanda, Methodist Healthcare Ministries; Greg Hansch, National Alliance on Mental Illness (NAMI) Texas; Will Francis, National Association of Social Workers - Texas Chapter; Mark Mendez, Tarrant County Commissioners Court; Donald Lee, Texas Conference of Urban Counties; Jennifer Banda, Texas Hospital Association; Michelle Romero, Texas Medical Association; Casey Smith, United Ways of Texas; Daniel Leeman)

Against — None

On — Lynda Frost, Hogg Foundation for Mental Health; (*Registered, but did not testify*: Courtney Heard, Department of State Health Services)

BACKGROUND: The Department of State Health Services (DSHS) administers forensic services through the state's mental health hospital system and the department's Adult Mental Health Services Unit. Citing a lack of statewide, cross-agency coordination between the public mental health and justice systems and the size and complexity of the forensic population that DSHS serves, some have called for the creation of a forensic director position at DSHS to streamline forensic operations statewide and

accelerate the adoption of best practices in facilities and communities across the state.

DIGEST:

CSHB 2023 would require the commissioner of the Department of State Health Services (DSHS) to appoint a forensic director who had proven expertise in the social, health, and legal systems for forensic patients and in the intersection of those systems.

The forensic director would report to the DSHS commissioner and would be responsible for:

- statewide coordination and oversight of forensic services, to include a competency examination, competency restoration services, or mental health services provided to a current or former forensic patient in the community or at a DSHS facility;
- any programs operated by DSHS related to evaluation of forensic patients, transition of forensic patients from inpatient to outpatient or community-based services, community forensic monitoring, or forensic research and training; and
- addressing specified issues with the delivery of forensic services in the state.

Under the bill, a “forensic patient” would mean a person with mental illness who was examined on the issue of competency to stand trial, found incompetent to stand trial, committed to court-ordered mental health services, or found not guilty by reason of insanity.

The bill would direct the executive commissioner of the Health and Human Services Commission (HHSC) to establish and appoint a workgroup of experts and stakeholders by November 1, 2015 to make recommendations concerning the creation of a comprehensive plan for the effective coordination of forensic services. The workgroup would have at least nine members, and the HHSC executive commissioner would select the total number of members at the time the workgroup was established. The bill would specify whom the executive commissioner would appoint as members of the workgroup.

By July 1, 2016, the workgroup of experts and stakeholders would send a report describing its recommendations to the lieutenant governor, the speaker of the House of Representatives, and the standing committees of the Senate and the House of Representatives with primary jurisdiction over forensic services. The workgroup of experts and stakeholders would use information compiled by other workgroups in the state to develop its recommendations. The bill would direct the workgroup to collaborate and align efforts with other workgroups in the state, especially those focusing on mental health issues.

By November 1, 2015, the HHSC executive commissioner would adopt any rules necessary for the creation of the forensic director position and implementation of the workgroup. The workgroup of experts and stakeholders under the bill would be dissolved as of November 1, 2019. The bill would require the DSHS commissioner to appoint a forensic director as soon as practicable after the bill took effect.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.