Texas Association of Counties Legislative Conference

September 5, 2019

Lee Johnson, MPA
Deputy Director
Texas Council of Community Centers
Community Centers of Texas

1. ACCESS
2. Andrews Center Behavioral Healthcare System
3. Austin Travis County Integral Care
4. Betty Hardwick Center
5. Bluebonnet Trails Community Services
6. Border Region Behavioral Health Center
7. MHMR Authority of Brazos Valley
8. Burke
9. Camino Real Community Services
10. The Center for Health Care Services
11. Center for Life Resources
12. Central Counties Services
13. Central Plains Center
14. Coastal Plains Community Center
15. MHMR Services for the Concho Valley
16. Metrocare Services
17. Denton County MHMR Center
18. Emergence Health Network
19. Gulf Bend Center
20. Gulf Coast Center
21. The Harris Center for Mental Health & IDD
22. Heart of Texas Region MHMR Center
23. Helen Farabee Centers
24. Hill Country Mental Health & Developmental Disabilities Centers
25. Lakes Regional Community Center
26. LifePath Systems
27. StarCare Specialty Health System
28. Behavioral Health Center of Nueces County
29. Pecan Valley Centers for Behavioral & Developmental Healthcare
30. PermiaCare
31. Community Healthcare
32. Spindletop Center
33. MHMR Tarrant
34. Texana Center
35. Texas Panhandle Centers
36. Texoma Community Center
37. Tri-County Behavioral Healthcare
38. Tropical Texas Behavioral Health
39. West Texas Centers
The Texas 86th Legislative Session
86th Legislative Session: Mental Health Services Priorities

• Outpatient Treatment Capacity for Adults and Children
• Locally Purchased Inpatient Bed Capacity
• Criminal Justice / Mental Health Interface

• School Safety / Mental Health Interface
• Substance Use Disorder Services
• State Hospital System Redesign
### Select FY2020-21 New Funds

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expand Mental Health Capacity at LMHAs and LBHAs</td>
<td>$59M GR</td>
</tr>
<tr>
<td>MH Crisis Services (HB 13/SB 292 Grants)</td>
<td>$22.5M GR</td>
</tr>
<tr>
<td>Substance Use Disorder (SUD) Treatment Rate Increase</td>
<td>$5M GR</td>
</tr>
<tr>
<td>Reduce SUD Wait Lists for Pregnant Women and Women With Dependent Children</td>
<td>$24M GR</td>
</tr>
<tr>
<td>Locally Purchased Inpatient Psychiatric Beds</td>
<td>$26M GR</td>
</tr>
<tr>
<td>State Hospital Redesign 2.0</td>
<td></td>
</tr>
<tr>
<td>Austin State Hospital</td>
<td>$165M</td>
</tr>
<tr>
<td>San Antonio State Hospital</td>
<td>$190M</td>
</tr>
<tr>
<td>Rusk State Hospital</td>
<td>$90M</td>
</tr>
</tbody>
</table>
HB 601
(Price/Zaffirini)

Effective 9/1/19

CCP, 16.22, EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY

- Legislative Recommendations from Texas Judicial Council / Office of Court Administration, 2018:
  1. Clarify meaning of “assessment” under Code of Criminal Procedure Article 16.22
  2. Clarify authority for TCOOMMI form; confidentiality
  3. Clarify OCA reporting requirements
Select Provisions:

• Magistrate required to order an interview of the defendant if not previously interviewed on or after the date the defendant was arrested for the offense for which the defendant is in custody.

• Changes the term “assessment” to “written report.”

• Commissioners Court required to reimburse Local MH/IDD Authority or other qualified expert for the cost of performing the interview and collecting other information.

• Commissioners Court may adopt a fee schedule to pay for the interview and collection of information in a public hearing and must periodically review the fee schedule.

• Interview must be conducted in person in the jail, by telephone, or through a telemedicine/telehealth service.
Select Provisions:
Requires the governing body of a Local Mental Health Authority to include:

- for a local authority that serves only one county, the sheriff of the county, or the sheriff’s representative, as an ex officio nonvoting member;

- for a local authority that serves two or more counties, two sheriffs, or a representative of each sheriff, as ex officio nonvoting members.
“All Texas Access”

Select Provisions:

Directs HHSC to work closely with rural LMHAs & local stakeholders to create regional plans to reduce costs to local and state government and improve service delivery.

Each plan will address the goals of reducing:

• The cost to local governments of providing services to people experiencing a mental health crisis
• Transportation of people to mental health facilities
• Incarceration of people with mental illness in county jails
• The number of hospital emergency room visits by people with mental illness

Final report is due by December 1, 2020
HB 4468
(Coleman/Whitmire)
Sandra Bland Act
Update

Effective 9/1/19

Select Provisions: Amend (S.B. 1849), Act of the 85th Legislature, Regular Session, 2017

• “give prisoners the ability to access a mental health professional at the jail or through a telemental health service 24 hours a day or, if a mental health professional is not at the county jail at the time, then require the jail to use all reasonable efforts to arrange for the inmate to have access to a mental health professional within a reasonable time;”

• Jail Commission capital improvement grant funds available to facilities with 288 or fewer beds (previously limited to 96 or fewer beds)

• Healthy Community Collaborative: Counties with pop of 250,000 or less incentivized by allowing “in-kind” contributions as match and lowering the threshold to .25 to 1
Interim Charges
Future of the 1115 Transformation Waiver

Mental Health Resources (LMHA)
DSHS Budget Strategy FY 2016
DSRIP Federal Share DY 4

- DSRIP Federal Share, DY 4 $225M
- MH Adult Services $261M
- MH Crisis Services $99M
- MH Child & Adolescent Services $59M
- MH Community Hospitals $75M

Individuals Served Through the 1115 Waiver

- Existing Clients Receiving Enhanced Services with 1115 Waiver Funds
- New Clients Served with 1115 Waiver Funds

Adults with SMI Enrolled in Services

- Medicaid 37%
- Indigent 63%

Integrated Care
Maximize funding through the 1115 Waiver to take integrated care for individuals with SMI to scale, allowing eligible entities to integrate care through accelerated adoption of best practices for individuals served in the public mental health system.

Target Population
Promote access to coordinated care by creating an adult SMI “target population” of persons who meet financial and diagnostic/functional eligibility criteria. The target population will have access to coordinated medical benefits established under the 1115 STAR+PLUS managed care program.

STAR+PLUS
The state can accommodate individuals with SMI in the current managed care program by establishing Certified Community Behavioral Health Clinics (CCBHCs) statewide, value-based payments, and quality measures specific to adults with SMI.
A new purpose for the current CMHC DSRIP Funding starting October 2021

- Tailor STAR+PLUS: CCBHC as a Class of Providers and Directed Payments
- Access to STAR+PLUS Benefits for a Targeted SMI Population
- Integrated Care Capacity-Building Initiative

(Estimated 14% of current DSRIP Funding Pool)
Criminal Justice Mental Health Interface
Inpatient Care
Lee Johnson
Deputy Director
Texas Council of Community Centers
ljohnson@txcouncil.com
Figure 1: Institutionalization in the United States (per 100,000 adults)
Overview:
The Texas Mental Health and Intellectual and Development Disabilities Law Bench Book is a procedural guide for Texas judges hearing cases regarding persons with mental illness and/or IDD.

Source:

Up-coming Event:
Judicial Commission on MH Summit: November 18-19, 2019 in San Marcos, Texas.
Population = Inpatient psychiatric state hospital beds

1964:
- Population: 14,921
- Hospital beds: 10.3M

2018:
- Population: 28.7M
- Hospital beds: 2,432
## SH Capacity Expansion

Total Beds Being Added: 338 (130 MSU beds)

<table>
<thead>
<tr>
<th>Facility and Current</th>
<th>Project</th>
<th>Estimated Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin State Hospital</td>
<td>Replacement</td>
<td>Q4 FY 2023</td>
</tr>
<tr>
<td>Kerrville State Hospital</td>
<td>70-bed MSU</td>
<td>Q2 FY 2021</td>
</tr>
<tr>
<td>Rusk State Hospital</td>
<td>100-bed MSU</td>
<td>Q3 FY 2022</td>
</tr>
<tr>
<td>Rusk State Hospital</td>
<td>100-bed non-MSU</td>
<td>Q3 FY 2020</td>
</tr>
<tr>
<td>San Antonio State Hospital</td>
<td>40-bed non-MSU</td>
<td>Q3 FY 2020</td>
</tr>
<tr>
<td>San Antonio State Hospital</td>
<td>Replacement</td>
<td>Q2 FY 2023</td>
</tr>
<tr>
<td>UTHealth-Houston</td>
<td>228-bed Hospital</td>
<td>Q2 FY 2022</td>
</tr>
</tbody>
</table>
STATE FUNDED OR OPERATED INPATIENT PSYCHIATRIC BEDS ACROSS TEXAS

State Psychiatric Beds: 2,919

State Operated: 2,463
- Austin State Hospital – 299
- Big Spring State Hospital – 200
- El Paso Psychiatric Center – 74
- Kerrville State Hospital – 202
- North Texas (Vernon) – 351
- North Texas (Wichita Falls) – 289
- Rio Grande State Center – 55
- Rusk State Hospital – 325
- San Antonio State Hospital – 302
  292 San Antonio + 10 Casa Amistad
- Terrell State Hospital – 288
- Waco Center for Youth – 78

Community/Private Contracted: 456
- Center for Health Care Services – 25
- Gulf Coast Center – 18
- Hill Country MHMR – 16 (CSU)
- MHMR of Tarrant County – 20
- MHMRA of Harris County (MCFC) – 177
- MHMRA of Harris County – 17
- Montgomery County – 94
- Sunrise Canyon – 30
- Tri-County Services – 5
- Tropical South Texas Behavioral – 10
- UTHSC – Tyler – 44
S.B. 292
Mental Health Grant for Justice-Involved Individuals

Urban Apparent Awardees
Fiscal Years 2018 and 2019

Local Mental/Behavioral Health Authority Apparent Awardees
All counties have populations > 250,000

- Central Counties
- CHCS
- Denton
- Emergence
- Gulf Coast
- Integral
- LifePath
- NTBHA
- Spindletop
- StarCare
- Tarrant
- Texana
- Tri-County
- Tropical

Source: Health and Human Services Commission, Behavioral Health Services
S.B. 292
Mental Health Grant for Justice-Involved Individuals

Rural Apparent Awardees Fiscal Year 2019

Local Mental/Behavioral Health Authority Applications
- Bluebonnet Trails
- MHMR Authority of Brazos Valley
- Center for Life Resources
- Permian Basin
- Coastal Plains
- Spindletop
- Heart of Texas
- Texas Panhandle
- Texoma
- Helen Farabee

Source: Health and Human Services Commission, Behavioral Health Services

August 2018, v1
H.B. 13
Community Mental Health Grant Program

Apparent Awardees
Fiscal Years 2018 and 2019

Procurement Type
- Green: Request for Applications (RFA) Awardees
- Orange: Needs and Capacity Assessment (NCA) Awardees
- Blue: RFA and NCA Overlap

Source: Health and Human Services Commission, Behavioral Health Services
State Budget
## CSHB 1 Select Highlights (86th Legislative Session)

### HHSC Exceptional Items: MH, SUDs

*All chart figures reflect totals for FY2020-21 biennium.*

<table>
<thead>
<tr>
<th>HHSC Budget Strategy</th>
<th>House Amount Requested</th>
<th>House Amount Adopted</th>
<th>Senate Amount Adopted</th>
<th>Conference Committee Amount Adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td>D.2.1 &amp; D.2.2 (MH Adults &amp; Children)</td>
<td>GR: $43,909,146 AF: $47,244,616</td>
<td>GR: $31,104,450 AF: $31,104,450</td>
<td>$59,100,000</td>
<td>$59,055,778</td>
</tr>
<tr>
<td>D.2.2</td>
<td></td>
<td>$10,508,256</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>D.2.2</td>
<td>Expand Residential Treatment Center (RTC) Beds for Children</td>
<td>$2,739,695</td>
<td>$2,739,695</td>
<td>$1,900,600</td>
</tr>
<tr>
<td>D.2.3</td>
<td>MH Crisis Services (HB 13/SB 292 Grants)</td>
<td>$22,500,000</td>
<td>Funded in base budget</td>
<td>Funded in base budget</td>
</tr>
<tr>
<td>D.2.4</td>
<td>Expand Substance Use Disorder (SUD) Treatment</td>
<td>$45,756,175</td>
<td>$50,000,000</td>
<td>$0</td>
</tr>
<tr>
<td>G.2.2</td>
<td>Locally Purchased Inpatient Psychiatric Beds (additional capacity)</td>
<td>$39,410,480</td>
<td>$39,410,480</td>
<td>$10,522,035</td>
</tr>
</tbody>
</table>
CSHB 1 Select Highlights (86th Legislative Session)

**HHSC Exceptional Items: MH, SUDs**

*All chart figures reflect totals for FY2020-21 biennium.*

<table>
<thead>
<tr>
<th>HHSC Budget Strategy</th>
<th>House</th>
<th>Senate</th>
<th>Conference Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>L.1.2 Expand Real-time Data Sharing Among Jails, Local Mental Health Authorities (LMHAs), Local Behavioral Health Authorities (LBHAs), and Local Intellectual and Developmental Disability Authorities (LIDDAs).</td>
<td>$435,265</td>
<td>$435,265</td>
<td>$435,265</td>
</tr>
<tr>
<td>Art.III, Higher Education Coordinating Board F.1.10 Child Mental Health Consortium (Note: Language from SB 10 now included in SB 11)</td>
<td>$100,000,000</td>
<td>$100,000,000</td>
<td>$100,000,000</td>
</tr>
<tr>
<td>Art.IX Special Provision Section 18.09 Contingency for HB 19 relating to mental health and substance use resources for certain school districts. Funds are appropriated to the Health and Human Services Commission in Strategy D.2.2, Mental Health Children, for the biennium to provide grants to support 20 non-physician mental health professionals, one per education service center(ESC) region, at local mental health authorities.</td>
<td>N/A</td>
<td>$4,600,000</td>
<td>$0</td>
</tr>
</tbody>
</table>
CSHB 1 Select Highlights (86th Legislative Session)

HHSC Exceptional Items: MH, SUDs
All chart figures reflect totals for FY2020-21 biennium.

State Hospital System
Total HHSC Request: $784M
Total Funded: $445M

ASH
Requested: $282M
Funded: $165M

SASH
Requested: $323M
Funded: $190M

Rusk
Requested: $90M
Funded: $90M
### CSHB 1 Select Highlights with Conference Committee Decisions
86th Legislative Session

**HHSC Exceptional Items: IDD, ECI**

*All chart figures reflect totals for FY2020-21 biennium.*

<table>
<thead>
<tr>
<th>HHSC Budget Strategy</th>
<th>House</th>
<th>Senate</th>
<th>Conference Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amount Requested</td>
<td>Amount Adopted</td>
<td>Amount Adopted</td>
</tr>
<tr>
<td>D.1.3, D.1.4</td>
<td>GR: $72,550,489 AF: $79,157,392</td>
<td>GR: $72,550,489 AF: $79,157,392</td>
<td>GR: $7,000,000 (cost/caseload growth) $10,000,000 (provider add-on)</td>
</tr>
<tr>
<td>HHSC Budget Strategy</td>
<td>Intellectual and Developmental Disability (IDD) Crisis Continuum of Care</td>
<td>House</td>
<td>Senate</td>
</tr>
<tr>
<td>----------------------</td>
<td>---------------------------------------------------------------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td></td>
<td>Maintain Funding for Enhanced Community Coordination (ECC) and Transition Support Teams (TST)</td>
<td>Amount Requested</td>
<td>Amount Adopted</td>
</tr>
<tr>
<td></td>
<td>$13,995,710</td>
<td>$3,400,000 (GR)</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td>Establish Outpatient Mental Health Services at LIDDAAs</td>
<td>$11,937,104</td>
<td>$7,700,000</td>
</tr>
<tr>
<td></td>
<td>Expand Crisis Intervention and Respite Services</td>
<td>$20,515,152</td>
<td>$11,700,000</td>
</tr>
<tr>
<td>A.3.1, A.3.2, A.3.3, A.3.4</td>
<td>Transition Day Habilitation Services to Individualized Skills and Socialization (ISS)</td>
<td>$112,240,875</td>
<td>$37,400,000</td>
</tr>
<tr>
<td>A.3.1</td>
<td>Additional Services for Individuals with Intellectual and Developmental Disabilities (IDD) and High Medical Needs (HMN) in the Home and Community-based Services (HCS) Waiver Program</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medical Services for Individuals with IDD and High Medical Needs (HMN) in HCS</td>
<td>GR: $7,084,551</td>
<td>GR: $7,084,551</td>
</tr>
<tr>
<td></td>
<td>$18,635,308</td>
<td>$18,635,308</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dental Services for Individuals with IDD and HMN in HCS</td>
<td>GR: $1,473,797</td>
<td>$1,473,797</td>
</tr>
<tr>
<td></td>
<td>$3,749,023</td>
<td>$3,749,023</td>
<td></td>
</tr>
<tr>
<td>HHSC Budget Strategy</td>
<td>House</td>
<td>Senate</td>
<td>Conference Committee</td>
</tr>
<tr>
<td>----------------------</td>
<td>-------</td>
<td>--------</td>
<td>----------------------</td>
</tr>
<tr>
<td></td>
<td>Amount Requested</td>
<td>Amount Adopted</td>
<td>Amount Adopted</td>
</tr>
<tr>
<td>I.2.1 Enhance Preadmission Screening and Resident Review (PASRR) forms and Workflows in the Long-Term Care (LTC) Online Portal</td>
<td>$17,058,825</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Attendant Wages (ACRE) for community care and IDD providers</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Private Duty Nursing Rates</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Therapy Rates</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consumer-directed Services for CDS employers who will incur additional costs related to EVV.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.2.7, A.3.1, A.3.4 New Rider: Rate Increases for ICFs and Certain Waiver Providers</td>
<td>GR: $0 AF: $0</td>
<td>GR: $84,000,000 AF: $216,938,200</td>
<td>$0</td>
</tr>
<tr>
<td>New Rider (House): Adds Intensive Behavioral Intervention (IBI) in Medicaid.</td>
<td>GR: $32.5M AF: $160M</td>
<td>New Rider (House)</td>
<td>$0</td>
</tr>
</tbody>
</table>