



## Frequently Asked Questions Part II: Mental Health Grant Program for Justice-Involved Individuals

### **Submission Deadline**

1. Is there any chance the deadline can be pushed back further?

**Answer:** HHSC recognizes there are a number of communities eligible to apply for funding under this grant program continuing to recover from Hurricane Harvey. Due to the impact of Hurricane Harvey, the Needs and Capacity Assessment (NCA) submission deadline has been extended as follows:

- All local mental health authorities (LMHAs) and local behavioral health authorities (LBHAs) will be given a two-week (14 calendar days) extension. The new submission date is November 15, 2017 at 5:00 p.m. Central Standard Time (CST).
- LMHAs and LBHAs in hurricane-impacted areas will be granted a one-month (30 calendar days) extension. The new submission date is December 1, 2017 at 5:00 p.m. CST.

2. To clarify, the submission deadline is essentially 10/31/17 by 11:59 p.m., correct?

**Answer:** The initial NCA distributed via broadcast on September 28, 2017 indicates the proposals are due at 11/1/17 at 12 a.m. However, see question #1 for new submission deadlines.

### **Match Requirements**

3. We are working alongside our Sheriff's Departments in our counties to apply for funding to sustain our Mental Health Deputy programs. Is the following acceptable as local match: County-funded vehicles, maintenance and gas for the Mental Health Deputies; County-funded equipment and radios for the Mental Health Deputies; and County-funded health benefits for the Mental Health Deputies?

**Answer:** Yes, county expenditures related to the S.B. 292 program can be used as match. To the extent possible, match should be identified to a specific program and claimed only for the program

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<sup>1</sup> Authorizing Legislation: Senate Bill 292, 85<sup>th</sup> Texas Legislature, Regular Session, 2017 and the 2018-19 General Appropriations Act, Senate Bill 1, 85<sup>th</sup> Texas Legislature, Regular Session, 2017, (Article IX, Section 18.30, Contingency for S.B. 292)



benefiting from the match. If more than one program benefits, match should be allocated to the benefiting programs based upon an acceptable allocation methodology, the same as other allowable costs.

4. Can in-kind match from another NCA project be used for this project if the other project doesn't require the use of all of the in-kind match? For example, we have a project which requires a 25% match. We use the difference between the psych hospital's standard bed day rate and our contracted bed day rate as in-kind match. However, this match is 121% and only 25% is required for the NCA. Could the difference over the 25% be used for this project?

**Answer:** The difference between a discounted bed-day rate and the full bed-day rate can be used as in-kind match as long as the client is enrolled in the mental health grant for justice-involved individuals, and the discounted rate for inpatient services is paid for using mental health grant program for justice-involved individuals funding. If the client is enrolled in another program, and/or if the discounted rate for inpatient services is paid for using non-mental health grant for justice-involved individuals funding, then the difference between the full and discounted rate cannot be used as in-kind match for the mental health program for justice-involved individuals.

5. For S.B. 292 and H.B. 13, we are proposing different programs that will interact with one another. It is ok to utilize match dollars for H.B. 13 towards S.B. 292, so long as they are for different expenses?

**Answer:** Operating two programs that interact is certainly acceptable. Please remember, though, that match is an expenditure of funding (i.e., cash) or use of a resource (i.e., in-kind) contributed to support the operation of a specific program. To the extent possible, match should be identified to a specific program and claimed only for the program benefiting from the match. If more than one program benefits, match should be allocated to the benefiting programs based upon an acceptable allocation methodology, the same as other allowable costs. The same match contribution cannot be used by different programs at the same time. For example, if I donate \$100 in total to support the operation of H.B. 13 and S.B. 292 programs, you can split the \$100 and use \$50 toward H.B.13 and \$50 toward S.B. 292, but you cannot use \$100 as match for both programs.

6. Would we be able to utilize match dollars for H.B. 13 towards S.B. 292?

**Answer:** No. Matching funds are program specific. Funds cannot be



used for one program and another.

7. Can a grant from a nongovernmental funder be used as match?

**Answer:** Yes, collaboratives may use grant funds from a nongovernmental funder as match. Nongovernmental expenditures must be for goods and services that are allowable, necessary, and reasonable to operate the program. Allowability will be measured against the Uniform Grant Management Standards, and necessity and reasonability will be evaluated by reviewers. A description of necessity and reasonability should be included on the budget.

### **Funding**

8. Is there a limit on the funding to be awarded to a collaborative?

**Answer:** The only limit is the total amount appropriated per fiscal year (i.e., \$12,500,000 for fiscal year 2018). Costs must be allowable, necessary, and reasonable to operate the program. Allowability will be measured against the Uniform Grant Management Standards, and necessity and reasonability will be evaluated by reviewers. A description of necessity and reasonability should be included on the budget.

9. Can the funds be used for renovation needs for alternatives to state hospitalization projects?

**Answer:** Yes. HHSC has allowed use of funds on real property construction (i.e., new construction, and/or repair/renovation of existing structures) under similar grant programs. Proposals can include costs related to construction and will be evaluated on a case-by-case basis.

### **Program Services**

10. Is this grant open for Juvenile population as well?

**Answer:** Yes, funding can be used to support services for the juvenile population.

11. In regards to new rules and regulations governing JBCR services, has the staffing ratio or pattern changed? In particular, is it acceptable to sub-contract with a psychiatrist or psychologist versus having one employed in the program full-time?

**Answer:** As of September 29, 2017, the proposed 25 Texas Administrative Code, Chapter 416, Subchapter C does not have a specific staffing ratio or staffing pattern referenced. This change aligns with the Code of Criminal Procedures (CCP), Chapter 46B, Article 46B.090 and Article 46B.091 which no longer contains a specific staffing ratio, but rather directs the employment of qualified mental health professionals in the county-based JBCR Program.

Additionally, the proposed definition of a provider staff member is, "An employee or person whom the provider contracts or subcontracts for the provision of JBCR Program services. A provider staff member includes specially trained security jailers, all licensed and credentialed staff, and other persons directly contracted or subcontracted to provide JBCR program services to individuals."

As such, it is acceptable to sub-contract with a psychologist or psychiatrist to conduct competency evaluations and provide psychiatric services in the county-based JBCR Program.

12. Have there been changes to the requirements for a designated separate space in the jail to operate the program?

**Answer:** Per CCP, Chapter 46B, JBCR services may be provided in a designated separate space from the space used for the general population in a county jail.

13. A county in our catchment area has asked to consider applying for SB292 funding for a collaborative that would fund two part-time positions in the county jail to do 16.22 written mental health assessments for magistrates that are considering using PR bonds to release mentally ill or IDD inmates. We have an existing agreement with this particular county jail to share the cost of some jail imbedded positions for the 16.22 written assessments. The proposed S.B. 292 application would be to expand on that collaboration to meet the increasing demand for these written assessments resulting from the new jail legislation. Specifically, the added part-time positions would allow us to better meet the demand for these 16.22 written assessments on weekends. Is this an allowable project for SB 292?

**Answer:** Under the activities this is an allowable program. The proposal must meet the following criteria:

Eligible Activities: Per S.B. 292, acceptable uses for state grant and



matching funds under the Mental Health Grant Program for Justice-Involved Individuals may include:

- The continuation of a mental health jail diversion program;
- The establishment or expansion of a mental health jail diversion program;
- The establishment of alternatives to competency restoration in a state hospital, including outpatient competency restoration, inpatient competency restoration in a setting other than a state hospital, or jail-based competency restoration;
- The provision of assertive community treatment or forensic assertive community treatment with an outreach component;
- The provision of intensive mental health services and substance use treatment not readily available in the county;
- The provision of continuity of care services for an individual being released from a state hospital;
- The establishment of interdisciplinary rapid response teams to reduce law enforcement's involvement with mental health emergencies; and
- The provision of local community hospital, crisis, respite, or residential beds.

The proposed program also falls under Sequential Intercept Model 2.

14. As the LBHA, are we able to propose for intensive residential funds for substance abuse?

**Answer:** Per S.B. 292, one acceptable use of funds allows for the provision of mental health and substance use disorder treatment not readily available in the county.

### **Budget**

15. Do you have an average cost of a person receiving OCR services vs. Inpatient competency restoration services?

**Answer:** Yes, HHSC does have this data, but unfortunately, it cannot be released in the absence of an open records request. You would have to make a formal request for the data via an open records request. To make such a request, you can send an email to the following email address: [OpenRecordsRequest@hsc.state.tx.us](mailto:OpenRecordsRequest@hsc.state.tx.us).

16. Should we submit a 6 or 12 month budget with this proposal?

**Answer:** Submit a 12-month fiscal year budget with your proposal.



## **NCA Application Instructions**

17. What if the proposed project is an expansion of existing programs and will contain new programs, which boxes will we need to check?

**Answer:** Check the expansion and new box. The applicant will provide the detail in the program design section of the NCA.

18. Do we have to include all headings and subheadings? For instance, writing a response after every heading and subheading. Or can we utilize the overall heading (A-F) to provide responses to all the information requested?

**Answer:** Only include the section headings.

19. If we seek to provide grant services in multiple counties within our LMHA service area (requiring hiring staff in multiple counties), does a separate grant proposal have to be written for each county?

**Answer:** No. Each LMHA or LBHA will submit one NCA to include the proposal details.

20. Why is the LMHA the lead applicant if the statute doesn't designate a lead applicant? Is it because HHSC has a contract for services already?

**Answer:** In order to streamline the process, HHSC is encouraging county entities, hospital districts, and LMHAs or LBHAs to collaborate and submit an NCA through the local authority. The LMHA or LBHA is the entity submitting the proposal that meets the needs of the community as defined by the community collaborative. HHSC anticipates the proposals will reflect the needs as defined by all members of the collaborative.

## **Population**

21. Can you verify the population figures the agency will be using for this grant?

**Answer:** The population report utilized for the Commission's implementation of S.B. 292 was derived from the report published by



the U.S. Census Bureau entitled "Annual Estimates of the Resident Population: April 1, 2010-July 1, 2016." Data for the year 2016 begins on page six of the report.

22. Can an 8-county LMHA submit a proposal for one of its counties smaller than 250,000 people in FY2019? Or does the LMHA have to report the size of its entire population?

**Answer:** Yes, the LMHA can submit a proposal for one of its counties with a population less than 250,000 in fiscal year 2019.

23. During the first round of S.B. 292 applications, is it possible to submit a proposal for multiple counties (only one over 250,000) supporting the same project in the counties?

**Answer:** Yes, this is allowable. As noted in the NCA:

Respondent Eligibility: To petition HHSC for grant funds through this program, plans must be submitted by county-based community collaboratives. Collaboratives are those entities including at least:

- A county;
- An LMHA or LBHA operating in the county; and
- Each hospital district, if any, located in the county.

For fiscal year 2018, only county-based community collaboratives representing counties with populations of 250,000 or greater may submit proposals for consideration.

A county-based community collaborative may include other local entities as designated by the collaborative's members.

### **Other**

24. Can the NCA be shared externally?

**Answer:** Yes, the community collaborative may share the NCA with members outside their committee.

25. Has the NCA solicitation been sent out to counties or organizations representing counties? If so, could you send me a link? If not, what is the timetable for such a solicitation?

**Answer:** The NCA for S.B. 292 was distributed via electronic





communication September, 28, 2017 to the Texas Conference of Urban Counties.

26. Assuming a county has an existing jail diversion program that includes CIT and other facets, would your agency direct the Grant money to the county as long as the collaborative agreed and the request met 292 requirements?

**Answer:** Per S.B. 292, community collaboratives are eligible to receive funding in fiscal year 2018 if they meet the following conditions:

- comprised of a county, a local mental health authority (LMHA) that operates in the county; and each hospital district, if any, located in the county; and
- Includes a county with a population of 250,000 or more.

Though the LMHA or LBHA is the entity that will submit the NCA proposal on behalf of the community collaborative, the NCA proposal should reflect proposed services that underscore agreements between members of the community collaborative.

27. Will the PowerPoint and presentation be available for listening at a later time?

**Answer:** Yes, the PowerPoint has been emailed to participants who provided email addresses. The PowerPoint has also been sent to the webinar participants.

28. We are new in this, how can you help us to apply for a grant?

**Answer:** HHSC encourages organizations to collaborate with local LMHAs or LBHAs, as appropriate, as these organizations are poised to help explain the NCA process.

29. Can you post or email an example of a NCA for the non LMHA partners?

**Answer:** HHSC recommends contacting the local LMHA or LBHA as the NCA packet was distributed to the local authorities on September 28, 2017.