



Broadcast MSG# 302

December 8, 2017

To: Executive Directors, Local Mental Health Authorities
Executive Directors, Local Behavioral Health Authorities

From: Courtney Harvey, Interim Forensic Director
Behavioral Health Services Section
Medical and Social Services Division

C.H.

Request for Informal Comments

**25 Texas Administrative Code, Chapter 416,
Subchapter C, concerning
Jail-Based Competency Restoration Program**

Due Date for Informal Comments: January 5, 2018

Background

Senate Bill (S.B.) 1475, 83rd Legislature, Regular Session, 2013, amended Code of Criminal Procedure (CCP), Chapter 46B (relating to Incompetency to Stand Trial) to direct legacy Department of State Health Services (DSHS) to establish a Jail-Based Competency Restoration (JBCR) Pilot Program. S.B. 1475 further directed DSHS to adopt rules governing the provision of JBCR services. These rules were adopted in 25 Texas Administrative Code (TAC), Chapter 416, Subchapter C, Jail-Based Competency Restoration Program.

S.B. 1326, 85th Legislature, Regular Session, 2017, also amended CCP, Chapter 46B by authorizing a county or counties to implement a JBCR program. Additionally, S.B. 1326 directs the Health and Human Services Commission (HHSC) to adopt rules as necessary for a county to develop and implement a JBCR program.

Purpose of the Rule

The purpose of this subchapter is to provide standards for JBCR services in pilot and county-based programs, as required by CCP, Chapter 46B, relating to



Incompetency to Stand Trial. The programs include: mental health services, intellectual disability services, co-occurring psychiatric and substance use disorder treatment services, and competency restoration education in the county jail for an individual found Incompetent to Stand Trial.

Entities Impacted by the Rule

This subchapter applies to a Local Mental Health Authority (LMHA), Local Behavioral Health Authority (LBHA), an LMHA or LBHA subcontractor, and a private provider delivering JBCR services authorized by CCP, Chapter 46B.

Submission of Informal Comments

The proposed rule text is attached to this broadcast message and may be located at the following HHSC webpage: <https://hhs.texas.gov/laws-regulations/policies-rules/health-human-services-rulemaking>.

Please send comments to: HHSRulesCoordinationOffice@hsc.state.tx.us with the subject title "Rule Project Number: 25R053".

Note: The proposed rule text will be published for formal comment in the *Texas Register* in the spring of 2018. This will serve as a second opportunity to provide comments on the rule.

For questions regarding this broadcast message, please contact Dr. Courtney Harvey, Interim Forensic Director at Courtney.Harvey@hsc.state.tx.us.

Attachment A: Proposed Rule-Jail-Based Competency Restoration Program