

By: Gervin-Hawkins, Gates, et al.

H.B. No. 2149

A BILL TO BE ENTITLED

1 AN ACT

2 relating to notice of rights provided to a patient receiving
3 inpatient mental health, chemical dependency, or comprehensive
4 medical rehabilitation services at certain facilities.

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

6 SECTION 1. Section 321.001, Health and Safety Code, is
7 amended by adding Subdivision (1-b) to read as follows:

8 (1-b) "Facility" means an inpatient facility at which
9 voluntary or involuntary mental health, chemical dependency, or
10 comprehensive medical rehabilitation services are provided,
11 including a:

12 (A) child-care facility;

13 (B) hospital;

14 (C) mental health facility; and

15 (D) treatment facility.

16 SECTION 2. Section 321.002, Health and Safety Code, is
17 amended by amending Subsections (f), (g), and (h) and adding
18 Subsection (f-1) to read as follows:

19 (f) Before a facility may admit a patient for inpatient
20 mental health, chemical dependency, or comprehensive medical
21 rehabilitation services, or before a child-care facility may accept
22 a minor for treatment, the facility shall provide to the person and,
23 if appropriate, to the person's parent, managing conservator, or
24 guardian, a written copy of the applicable "bill of rights" adopted

1 under this section. The facility shall provide the written copies
2 in the person's primary language[~~, if possible~~]. In addition, the
3 facility shall ensure that[~~, within 24 hours after the person is~~
4 ~~admitted to the facility,~~] the rights specified in the written copy
5 are explained to the person and, if appropriate, to the person's
6 parent, managing conservator, or guardian:

7 (1) orally, in simple, nontechnical terms in the
8 person's primary language[~~, if possible~~]; or

9 (2) through a means reasonably calculated to
10 communicate with a person who has an impairment of vision or
11 hearing, if applicable.

12 (f-1) The oral and written communication required by
13 Subsection (f) must be provided on two separate days as follows:

14 (1) if English is the patient's primary language:

15 (A) at the time the patient is admitted to the
16 facility; and

17 (B) not later than the third day after the date
18 the patient is admitted to the facility; or

19 (2) if English is not the patient's primary language:

20 (A) not later than 24 hours after the patient is
21 admitted to the facility; and

22 (B) not later than the third day after the date
23 the patient is admitted to the facility.

24 (g) The facility shall ensure that:

25 (1) each patient admitted for inpatient mental health,
26 chemical dependency, or comprehensive rehabilitation services and
27 each minor admitted for treatment in a child-care facility and, if

1 appropriate, the person's parent, managing conservator, or
2 guardian signs each [~~a~~] copy of the document stating that the person
3 has read the document and understands the rights specified in the
4 document; and

5 (2) the signed copies are [~~copy is~~] made a part of the
6 person's clinical record.

7 (h) A facility shall prominently and conspicuously post a
8 copy of the "bill of rights" for display in a public area of the
9 facility that is readily available to patients, residents,
10 employees, and visitors. The "bill of rights" must:

11 (1) include the name and contact information of the
12 person with whom a complaint regarding a violation of the rights
13 provided by this chapter, Subtitle C of Title 7, Chapters 241, 462,
14 464, and 466, and any other provisions the executive commissioner
15 considers necessary to protect the health, safety, and rights of a
16 patient receiving voluntary or involuntary mental health, chemical
17 dependency, or comprehensive medical rehabilitation services in an
18 inpatient facility may be filed; and

19 (2) be in English and in a second language appropriate
20 to the demographic composition of the community served by the
21 facility.

22 SECTION 3. Section 576.009, Health and Safety Code, is
23 amended to read as follows:

24 Sec. 576.009. NOTIFICATION OF RIGHTS. A patient receiving
25 involuntary inpatient mental health services shall be informed of
26 the rights provided by this subtitle:

27 (1) through a poster displayed in the mental health

1 facility in the manner provided by Section 321.002(h); and

2 (2) either:

3 (A) orally, in simple, nontechnical terms, and in
4 writing in the manner provided by Section 321.002(f-1) [~~that, if~~
5 possible, is in the person's primary language]; or

6 (B) [~~(2)~~] through the use of a means reasonably
7 calculated to communicate with a hearing impaired or visually
8 impaired person, if applicable.

9 SECTION 4. The changes in law made by this Act apply only to
10 a patient's admittance to a facility for inpatient mental health,
11 chemical dependency, or comprehensive medical rehabilitation
12 services on or after the effective date of this Act. A patient's
13 admittance to a facility for mental health, chemical dependency, or
14 comprehensive medical rehabilitation services before the effective
15 date of this Act is governed by the law in effect on the date the
16 patient was admitted, and the former law is continued in effect for
17 that purpose.

18 SECTION 5. This Act takes effect September 1, 2023.