

By: Spiller, Allison

H.B. No. 4085

A BILL TO BE ENTITLED

AN ACT

relating to the payment by the state or a county of costs for certain mental health hearings or proceedings.

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

SECTION 1. Sections 571.018(h) and (j), Health and Safety Code, are amended to read as follows:

(h) The state or a county may not pay any costs for a patient committed to a private mental hospital, other than a filing fee or other cost associated with a hearing or proceeding under this subtitle, unless:

(1) a public facility is not available; and
(2) the commissioners court of the county authorizes the payment, if appropriate.

(j) The judge of a court conducting a hearing or proceeding under this subtitle shall order the clerk of the court to refund court costs paid or advanced for a person by [When] an inpatient mental health facility as defined under Section 571.003(9)(A), (B), (D), or (E) on the filing of [571.003(9)(B) or (E) files] an affidavit with the clerk of the court certifying that:

(1) the facility has received no compensation or reimbursement for the treatment of the person;

(2) the facility provided treatment for the person under a contract with a local mental health authority; or

(3) the facility provided treatment for the person and

1 only received reimbursement under Medicaid [~~it has received no~~
2 ~~compensation or reimbursement for the treatment of a person for~~
3 ~~whom court costs have been paid or advanced, the judge of the~~
4 ~~probate court shall order the clerk of the court to refund the~~
5 ~~costs~~].

6 SECTION 2. This Act takes effect September 1, 2023.