

BILL ANALYSIS

C.S.H.B. 21
By: Corte
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, under Texas law a parent or guardian of a minor older than 15 may not request admission of the minor to an inpatient mental health facility without the minor's consent. C.S.H.B. 21 would allow a parent or guardian of a minor between the ages of 16 and 18 to request that a child with mental health needs be admitted to an inpatient mental health facility.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Health in SECTION 3 (Section 572.003, Health and Safety Code) of this bill.

ANALYSIS

This bill amends the Health and Safety Code, Section 572.001(a) to change from 16 to 18 the age of a minor for whom a parent, managing conservator or guardian may request the admission of a minor to an inpatient mental health facility. Amends Section 572.001(c) to change from 16 to 18 the age of a minor for whom a person or agency appointed as guardian or a managing conservator of a minor acting as an agent of the state may request admission of the person without the person's consent.

This bill amends Section 572.002, Health and Safety Code by changing from 16 to 18 the age at which voluntary consent must be signed for inpatient services.

This bill amends Section 575.003, Health and Safety Code, by adding that a person admitted under Section 572.002 (3)(B) has a right to be evaluated by a physician at regular intervals to determine the person's need for continued treatment. TDH by rule shall establish the interval guidelines.

This bill amends Section 572.004, Health and Safety Code by adding the requirement that on receipt of a written request for discharge from a patient admitted under Section 572.002(3)(B), a facility shall notify the patient's parent, managing conservator, or guardian of the request.

EFFECTIVE DATE

On passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute retains current language allowing a minor 16 and over to voluntarily admit themselves to a mental health facility and to be accepted for admission by an administrator. The committee substitute includes language to guarantee a patient's right to be evaluated by a physician at regular intervals. The committee substitute also deletes language in the original that would mandate continued treatment of a minor when a patient's parent, managing conservator, or guardian disagreed with a minor's written request for discharge, but specifies that on receipt of a written request for discharge from a patient, the facility shall notify the patient's parent, managing conservator, or guardian.