

AN ACT

relating to admission to and discharge from facilities for voluntary inpatient mental health services for persons younger than 18 years of age.

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

SECTION 1. Sections 572.001(a) and (c), Health and Safety Code, are amended to read as follows:

(a) A person 16 years of age or older or a person younger than 16 years of age who is or has been married may request admission to an inpatient mental health facility by filing a request with the administrator of the facility to which admission is requested. The parent, managing conservator, or guardian of a person younger than 18 [~~16~~] years of age who is not and has not been married may request the admission of the person to an inpatient mental health facility by filing a request with the administrator of the facility to which admission is requested.

(c) A person or agency appointed as the guardian or a managing conservator of a person [~~minor~~] younger than 18 [~~16~~] years of age and acting as an employee or agent of the state or a political subdivision of the state may request admission of the person younger than 18 years of age [~~minor~~] only with the person's [~~minor's~~] consent.

SECTION 2. Section 572.002, Health and Safety Code, is amended to read as follows:

1 Sec. 572.002. ADMISSION. The facility administrator or
2 the administrator's authorized, qualified designee may admit a
3 person for whom a proper request for voluntary inpatient services
4 is filed if the administrator or the designee determines:

5 (1) from a preliminary examination that the person has
6 symptoms of mental illness and will benefit from the inpatient
7 services;

8 (2) that the person has been informed of the person's
9 rights as a voluntary patient; and

10 (3) that the admission was voluntarily agreed to:

11 (A) by the person, if the person is:

12 (i) 16 years of age or older; or

13 (ii) younger than 16 years of age and is or
14 has been married; or

15 (B) by the person's parent, managing
16 conservator, or guardian, if the person is younger than 18 [~~16~~]
17 years of age and is not and has not been married.

18 SECTION 3. Section 572.003, Health and Safety Code, is
19 amended by adding Subsection (e) to read as follows:

20 (e) In addition to the rights provided by this subtitle, a
21 person voluntarily admitted to an inpatient mental health facility
22 under Section 572.002(3)(B) has the right to be evaluated by a
23 physician at regular intervals to determine the person's need for
24 continued inpatient treatment. The department by rule shall
25 establish the intervals at which a physician shall evaluate a
26 person under this subsection.

27 SECTION 4. Section 572.004, Health and Safety Code, is

1 amended by adding Subsection (i) to read as follows:

2 (i) On receipt of a written request for discharge from a
3 patient admitted under Section 572.002(3)(B), a facility shall
4 notify the patient's parent, managing conservator, or guardian of
5 the request.

6 SECTION 5. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 21 was passed by the House on April 24, 2003, by the following vote: Yeas 137, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 21 was passed by the Senate on May 26, 2003, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor