

By: Corte

H.B. No. 21

A BILL TO BE ENTITLED

AN ACT

1
2 relating to admission to and discharge from facilities for
3 voluntary inpatient mental health services for persons younger than
4 18 years of age.

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

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

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

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

23 (d) The administrator of an inpatient mental health
24 facility may admit a person [~~minor~~] who is 18 [~~16~~] years of age or

1 older or a person younger than 18 [~~16~~] years of age who is or has
2 been married to an inpatient mental health facility as a voluntary
3 patient without the consent of the parent, managing conservator, or
4 guardian.

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

7 Sec. 572.002. ADMISSION. The facility administrator or
8 the administrator's authorized, qualified designee may admit a
9 person for whom a proper request for voluntary inpatient services
10 is filed if the administrator or the designee determines:

11 (1) from a preliminary examination that the person has
12 symptoms of mental illness and will benefit from the inpatient
13 services;

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

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

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

18 (i) 18 [~~16~~] years of age or older; or

19 (ii) younger than 18 [~~16~~] years of age and
20 is or has been married; or

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

24 SECTION 3. Section 572.004, Health and Safety Code, is
25 amended by adding Subsection (i) to read as follows:

26 (i) On receipt of a written request for discharge from a
27 patient admitted under Section 572.002(3)(B), a facility shall

1 consult with the patient's parent, managing conservator, or
2 guardian regarding the discharge. If the parent, managing
3 conservator, or guardian objects in writing to the patient's
4 discharge, the facility shall continue treatment of the patient as
5 a voluntary patient.

6 SECTION 4. 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.