

1-1 By: Corte, Laubenberg (Senate Sponsor - Nelson) H.B. No. 21
1-2 (In the Senate - Received from the House April 25, 2003;
1-3 April 28, 2003, read first time and referred to Committee on Health
1-4 and Human Services; May 19, 2003, reported favorably by the
1-5 following vote: Yeas 5, Nays 2; May 19, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to admission to and discharge from facilities for
1-9 voluntary inpatient mental health services for persons younger than
1-10 18 years of age.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Sections 572.001(a) and (c), Health and Safety
1-13 Code, are amended to read as follows:

1-14 (a) A person 16 years of age or older or a person younger
1-15 than 16 years of age who is or has been married may request
1-16 admission to an inpatient mental health facility by filing a
1-17 request with the administrator of the facility to which admission
1-18 is requested. The parent, managing conservator, or guardian of a
1-19 person younger than 18 [~~16~~] years of age who is not and has not been
1-20 married may request the admission of the person to an inpatient
1-21 mental health facility by filing a request with the administrator
1-22 of the facility to which admission is requested.

1-23 (c) A person or agency appointed as the guardian or a
1-24 managing conservator of a person [~~minor~~] younger than 18 [~~16~~] years
1-25 of age and acting as an employee or agent of the state or a political
1-26 subdivision of the state may request admission of the person
1-27 younger than 18 years of age [~~minor~~] only with the person's
1-28 [~~minor's~~] consent.

1-29 SECTION 2. Section 572.002, Health and Safety Code, is
1-30 amended to read as follows:

1-31 Sec. 572.002. ADMISSION. The facility administrator or
1-32 the administrator's authorized, qualified designee may admit a
1-33 person for whom a proper request for voluntary inpatient services
1-34 is filed if the administrator or the designee determines:

1-35 (1) from a preliminary examination that the person has
1-36 symptoms of mental illness and will benefit from the inpatient
1-37 services;

1-38 (2) that the person has been informed of the person's
1-39 rights as a voluntary patient; and

1-40 (3) that the admission was voluntarily agreed to:

1-41 (A) by the person, if the person is:

1-42 (i) 16 years of age or older; or

1-43 (ii) younger than 16 years of age and is or
1-44 has been married; or

1-45 (B) by the person's parent, managing
1-46 conservator, or guardian, if the person is younger than 18 [~~16~~]
1-47 years of age and is not and has not been married.

1-48 SECTION 3. Section 572.003, Health and Safety Code, is
1-49 amended by adding Subsection (e) to read as follows:

1-50 (e) In addition to the rights provided by this subtitle, a
1-51 person voluntarily admitted to an inpatient mental health facility
1-52 under Section 572.002(3)(B) has the right to be evaluated by a
1-53 physician at regular intervals to determine the person's need for
1-54 continued inpatient treatment. The department by rule shall
1-55 establish the intervals at which a physician shall evaluate a
1-56 person under this subsection.

1-57 SECTION 4. Section 572.004, Health and Safety Code, is
1-58 amended by adding Subsection (i) to read as follows:

1-59 (i) On receipt of a written request for discharge from a
1-60 patient admitted under Section 572.002(3)(B), a facility shall
1-61 notify the patient's parent, managing conservator, or guardian of
1-62 the request.

1-63 SECTION 5. This Act takes effect immediately if it receives
1-64 a vote of two-thirds of all the members elected to each house, as

2-1 provided by Section 39, Article III, Texas Constitution. If this
2-2 Act does not receive the vote necessary for immediate effect, this
2-3 Act takes effect September 1, 2003.

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