

Amend CSHB 920 by striking SECTION 1.09 and inserting in lieu thereof the following:

SECTION ____ . Section 48.208, Human Resources Code, is amended by amending Subsection (e) and adding Subsections (c-1), (c-2), (c-3), and (d-1) to read as follows:

(c-1) Notwithstanding Subsection (c) (4), the petition may include an assessment of the elderly or disabled person's health or psychological status as described by Subsection (c-2) or (c-3) in lieu of a medical report described by Subsection (c) (4) if the department determines after making a good faith effort that a physician from whom the department may obtain the medical report is unavailable. The department shall ensure that the person who performs an assessment of the elderly or disabled person's health or psychological status has training and experience in performing the applicable assessment.

(c-2) An assessment of the elderly or disabled person's health may be completed by a physician assistant or advanced practice nurse and must state:

(1) that the person is reported to be suffering from abuse, neglect, or exploitation, which may present a threat to life or physical safety;

(2) whether the person has provided the person's medical history to the physician assistant or advanced practice nurse, as applicable; and

(3) the professional opinion of the physician assistant or advanced practice nurse, as applicable, that under the circumstances a temporary order of emergency services without the person's consent is necessary.

(c-3) an assessment of the elderly or disabled person's psychological status may be completed by a licensed psychologist or master social worker who has training and expertise in issues related to abuse, neglect, and exploitation, and must state:

(1) that the person is reported to be suffering from abuse, neglect, or exploitation, which may present a threat to life or physical safety; and

(2) the professional opinion of the psychologist or master social worker, as applicable, that under the circumstances a

temporary order of emergency services without the person's consent is necessary.

(d-1) If the court enters an order described by Subsection (d) that is based on a petition that did not include a medical report described by Subsection (c) (4), the court shall order that the elderly or disabled person be examined by a physician not later than 72 hours after the provision of protective services begins.

(e) The emergency order expires at the end of 72 hours from the time of the order unless the 72-hour period ends on a Saturday, Sunday, or legal holiday in which event the order is automatically extended to 4 p.m. on the first succeeding business day. An order may be renewed for not more than 30 [~~14~~] additional days, except that an order that was based on a petition that did not include a medical report described by Subsection (c) (4) may not be renewed unless a medical report described by Subsection (c) (4) is filed with the request for the renewal. A renewal order that ends on a Saturday, Sunday, or legal holiday is automatically extended to 4 p.m. on the first succeeding business day. The court may modify or terminate the emergency order on petition of the department, the incapacitated person, or any person interested in his welfare.