

By: Corte

H.B. No. 224

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the treatment of certain persons younger than 18 years
3 of age admitted for voluntary inpatient mental health services and
4 discharge from that treatment for those persons.

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

6 SECTION 1. Section 572.004(i), Health and Safety Code, is
7 amended to read as follows:

8 (i) On receipt of a written request for discharge from a
9 patient admitted under Section 572.002(3)(B) who is younger than
10 18 years of age, a facility shall consult with [~~notify~~] the
11 patient's parent, managing conservator, or guardian regarding the
12 discharge. If the parent, managing conservator, or guardian
13 objects in writing to the patient's discharge, the facility shall
14 continue treatment of the patient as a voluntary patient [~~of the~~
15 ~~request~~].

16 SECTION 2. Section 576.025(a), Health and Safety Code, is
17 amended to read as follows:

18 (a) A person may not administer a psychoactive medication to
19 a patient receiving voluntary or involuntary mental health services
20 who refuses the administration unless:

21 (1) the patient is having a medication-related
22 emergency;

23 (2) the patient is younger than 16 years of age, or the
24 patient is younger than 18 years of age and is a patient admitted

1 for voluntary mental health services under Section 572.002(3)(B),
2 and the patient's parent, managing conservator, or guardian
3 consents to the administration on behalf of the patient;

4 (3) the refusing patient's representative authorized
5 by law to consent on behalf of the patient has consented to the
6 administration;

7 (4) the administration of the medication regardless of
8 the patient's refusal is authorized by an order issued under
9 Section 574.106; or

10 (5) the patient is receiving court-ordered mental
11 health services authorized by an order issued under:

12 (A) Chapter 46B or Article 46.03, Code of
13 Criminal Procedure; or

14 (B) Chapter 55, Family Code.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2005.