

1-1 By: Corte (Senate Sponsor - Shapiro) H.B. No. 224
1-2 (In the Senate - Received from the House April 5, 2005;
1-3 April 6, 2005, read first time and referred to Committee on Health
1-4 and Human Services; April 27, 2005, reported favorably by the
1-5 following vote: Yeas 6, Nays 0; April 27, 2005, sent to printer.)

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

1-8 relating to the treatment of certain persons younger than 18 years
1-9 of age admitted for voluntary inpatient mental health services and
1-10 discharge from that treatment for those persons.

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

1-12 SECTION 1. Section 572.004(i), Health and Safety Code, is
1-13 amended to read as follows:

1-14 (i) On receipt of a written request for discharge from a
1-15 patient admitted under Section 572.002(3)(B) who is younger than 18
1-16 years of age, a facility shall consult with ~~notify~~ the patient's
1-17 parent, managing conservator, or guardian regarding the discharge.
1-18 If the parent, managing conservator, or guardian objects in writing
1-19 to the patient's discharge, the facility shall continue treatment
1-20 of the patient as a voluntary patient ~~[of the request]~~.

1-21 SECTION 2. Section 576.025(a), Health and Safety Code, is
1-22 amended to read as follows:

1-23 (a) A person may not administer a psychoactive medication to
1-24 a patient receiving voluntary or involuntary mental health services
1-25 who refuses the administration unless:

1-26 (1) the patient is having a medication-related
1-27 emergency;

1-28 (2) the patient is younger than 16 years of age, or the
1-29 patient is younger than 18 years of age and is a patient admitted
1-30 for voluntary mental health services under Section 572.002(3)(B),
1-31 and the patient's parent, managing conservator, or guardian
1-32 consents to the administration on behalf of the patient;

1-33 (3) the refusing patient's representative authorized
1-34 by law to consent on behalf of the patient has consented to the
1-35 administration;

1-36 (4) the administration of the medication regardless of
1-37 the patient's refusal is authorized by an order issued under
1-38 Section 574.106; or

1-39 (5) the patient is receiving court-ordered mental
1-40 health services authorized by an order issued under:

1-41 (A) Chapter 46B or Article 46.03, Code of
1-42 Criminal Procedure; or

1-43 (B) Chapter 55, Family Code.

1-44 SECTION 3. This Act takes effect immediately if it receives
1-45 a vote of two-thirds of all the members elected to each house, as
1-46 provided by Section 39, Article III, Texas Constitution. If this
1-47 Act does not receive the vote necessary for immediate effect, this
1-48 Act takes effect September 1, 2005.

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