

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

Revision 1

April 18, 2005

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB465 by West, Royce (Relating to the administration of psychoactive medication to certain patients.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would modify section 574 of the Health and Safety Code dealing with administration of psychoactive medication. It states that the court may authorize administration of medications for individuals under court order to receive inpatient mental health services and for persons awaiting trial in a criminal proceeding who were ordered to receive inpatient mental health services in the six months preceding a hearing on authorizing psychoactive medications.

The bill would include a requirement that the physician seeking a court's authorization to administer medication to a patient refusing such treatment must note the proposed method for administering the medication, as well as an explanation for the employment of any non-customary methods of administering the medication; an explicit statement allowing the court to issue an order for administering psychoactive medications to those found to present a danger to self or others in the inpatient facility; and a definitional change of the "best interest of the patient" to include a consideration of whether alternative, less intrusive treatments could produce the same results.

The bill would explicitly exclude patients receiving services under an order of protective custody. The bill would add a section to the Health and Safety Code that expands the definition of "presenting a danger to self or others" to include not only a current mental status examination but also a consideration of whether the patient has harmed self or others, or made any serious threats or attempts to harm self or others within the last six months.

The orders issued under this section expire whenever a patient is acquitted, convicted, or enters a guilty plea, or whenever charges are dismissed. Orders issued under this section of the Health and Safety Code must be reviewed by the ordering court every six months.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. If it does not, it would take effect September 1, 2005.

The Department of State Health Services states that the agency can absorb the costs of the bill and that the effect of the bill is to bring Texas into compliance with Supreme Court rulings on this issue.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 537 Department of State Health Services, 539 Department of Aging and Disability Services

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