

BILL ANALYSIS

C.S.H.B. 887
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A judge who is authorized to order mental health commitments is unable to increase a temporary outpatient commitment, up to 90 days, to an extended outpatient commitment, up to one year, unless the proposed patient has received a court-ordered inpatient commitment for at least 60 consecutive days during the preceding 12 months.

It is unlikely that a person who needs an extended outpatient commitment will meet the 60-day inpatient commitment requirement. Therefore, a judge must enter a series of temporary outpatient orders equivalent to an extended outpatient commitment order. This is a substantial waste of judicial resources and the proposed patient's time.

C.S.H.B. 887 authorizes a judge to order extended outpatient commitment mental health services if the proposed patient has received court-ordered inpatient mental health services for a total of at least 60 days during the preceding year or court-ordered temporary outpatient mental health services during the preceding 60 days.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 887 amends the Health and Safety Code to add to the circumstances under which a judge is authorized to order a proposed patient to receive court-ordered extended outpatient mental health services the fact that the proposed patient has received court-ordered outpatient mental health services under the Texas Mental Health Code or provisions of law relating to a determination of incompetency or civil commitment during the preceding 60 days. The bill changes the circumstances under which a judge is authorized to order extended outpatient mental health services for a proposed patient who has received court-ordered inpatient mental health services to remove the condition that the inpatient services be received for at least 60 consecutive days during the preceding 12 months, to require that the services be received for a total of at least 60 days during that period. The bill requires an application for court-ordered mental health services to state that the person has received under those same provisions court-ordered inpatient mental health services for a total of at least 60 days during the preceding 12 months, or court-ordered outpatient mental health services during the preceding 60 days.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 887 differs from the original, in the provision setting conditions under which a judge is authorized to order extended outpatient mental health services by removing the requirement that the 60 day minimum inpatient treatment during the preceding 12 months be consecutive days, as in the original. The substitute changes the duration for which a proposed patient is required to receive court-ordered outpatient mental health services for a judge to be authorized to order extended outpatient mental health services to require the patient to have received court-ordered outpatient mental health services during the preceding 60 days rather than for the preceding 90 days, as in the original.