

## **BILL ANALYSIS**

C.S.H.B. 4276  
By: Menendez  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

According to state records, nearly 600 patients discharged from the San Antonio State Hospital have been dropped off at a bus station since January 2008. During this period, the facility discharged 3,000 psychiatric patients, including those dependent on medications, and left an average of 42 patients at the bus station each month. One such patient, Raquel Padilla, was left unattended at the bus station and died days later. Although the cause of her death has not yet been determined, her family was unaware of her impending arrival because they had not been notified or given plans for her transport before her dismissal from the facility.

According to the Texas Department of State Health Services, Texas no longer carries legal responsibility for a patient once a patient is discharged, except to ensure that the patient reaches a mode of transportation.

C.S.H.B. 4276 requires a facility administrator of a mental health facility, in conjunction with the local mental health authority, to create a transportation plan for a patient's discharge or furlough from the facility. The bill requires a plan to take into account the person's capacity, to be in writing, and to specify certain details of the transportation. The bill requires the patient's family to be notified before the patient is transported.

### **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. 4276 amends the Health and Safety Code to require the facility administrator of a mental health facility, in conjunction with the local mental health authority, to create a transportation plan for a person who is admitted to the facility under an order for temporary or extended inpatient mental health services and who is scheduled to be furloughed or discharged from the facility. The bill requires the transportation plan to account for the capacity of the person; to be in writing; and to specify who is responsible for transporting the person, when the person will be transported, and where the person will arrive. The bill requires the facility administrator, if the person consents, to forward the transportation plan to a family member of the person before the person is transported.

### **EFFECTIVE DATE**

September 1, 2009.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 4276 differs from the original by requiring the facility administrator of a mental health facility, rather than the administrator of an inpatient mental health facility, to create a

transportation plan for a person scheduled to be furloughed or discharged from the facility and by specifying that the plan is to be created in conjunction with the local mental health authority.