

BILL ANALYSIS

S.B. 1477
By: Uresti
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

To serve mental health services clients in an extended and meaningful way, courts have had to use recurring 90-day outpatient commitment hearings, resulting in multiple and costly duplication of examinations, court-related activities, and transports. Current law requires a person to have received at least 60 consecutive days of court-ordered inpatient mental health services within the preceding 12 months to be considered appropriate for extended outpatient mental health services. Financial and institutional constraints have decreased the number of authorized day beds available, causing fewer clients to remain at a mental health facility for court-ordered inpatient mental health services in excess of 60 days.

Legislation is needed to provide a more efficient and effective extended outpatient commitment process by requiring that a proposed patient has received court-ordered inpatient mental health services for a total of 60 days, instead of 60 consecutive days, in the preceding year to be considered for extended outpatient mental health services. This change would return the law to its original statutory intent by ensuring that frequent involuntary mental health services clients are able to receive extended outpatient mental health services.

S.B. 1477 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

S.B. 1477 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 and to instead 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 extended outpatient 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.