

By: Hartnett

H.B. No. 2007

A BILL TO BE ENTITLED

AN ACT

relating to the payment of costs incurred by initiation of emergency detention hearings for persons with mental illness.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 571.018, Health and Safety Code, is amended by amending Subsections (a) and (h) and adding Subsection (k) to read as follows:

(a) Except as provided by Subsection (k), the ~~[The]~~ costs for a hearing or proceeding under this subtitle shall be paid by:

(1) the county that initiates emergency detention procedures under Subchapter A or B, Chapter 573; or

(2) if no emergency detention procedures are initiated, the county that accepts an application for court-ordered mental health services, issues an order for protective custody, or issues an order for temporary mental health services.

(h) The state or a county may not pay any costs for a patient who is detained in or committed to a private mental hospital unless:

(1) a public facility is not available; and

(2) the commissioners court of the county authorizes the payment, if appropriate.

(k) If a private mental hospital initiates emergency detention procedures under Subchapter A or B, Chapter 573, and the costs of the proceeding relate to services provided or to be provided in the private mental hospital, the private mental

1 hospital must pay the filing fee and the costs of the proceeding at
2 the time of filing, unless the county clerk or the commissioners
3 court of the county agrees to accept payment at a later time.

4 SECTION 2. The change in law made by this Act applies only
5 to the costs of an emergency detention hearing initiated on or after
6 the effective date of this Act. The costs of an emergency detention
7 hearing initiated before the effective date of this Act are covered
8 by the law in effect when the hearing was initiated, and the former
9 law is continued in effect for that purpose.

10 SECTION 3. This Act takes effect September 1, 2009.