

1-1 By: Van de Putte S.B. No. 584  
1-2 (In the Senate - Filed January 29, 2009; February 23, 2009,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; March 17, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 March 17, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 584 By: Nelson

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to notification to a patient of a state-operated mental  
1-11 health facility or resident of a residential care facility of the  
1-12 exemption of certain trusts from liability to pay for support.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter A, Chapter 576, Health and Safety  
1-15 Code, is amended by adding Section 576.010 to read as follows:

1-16 Sec. 576.010. NOTIFICATION OF TRUST EXEMPTION. (a) At the  
1-17 time a patient is admitted to an inpatient mental health facility  
1-18 for voluntary or involuntary inpatient mental health services, the  
1-19 facility shall provide to the patient, and the parent if the patient  
1-20 is a minor or the guardian of the person of the patient, written  
1-21 notice, in the person's primary language, that a trust that  
1-22 qualifies under Section 552.018 is not liable for the patient's  
1-23 support. In addition, the facility shall ensure that, within 24  
1-24 hours after the patient is admitted to the facility, the  
1-25 notification is explained to the patient:

1-26 (1) orally, in simple, nontechnical terms in the  
1-27 patient's primary language, if possible; or

1-28 (2) through a means reasonably calculated to  
1-29 communicate with a patient who has an impairment of vision or  
1-30 hearing, if applicable.

1-31 (b) Notice required under Subsection (a) must also be  
1-32 attached to any request for payment for the patient's support.

1-33 (c) This section applies only to state-operated mental  
1-34 health facilities.

1-35 SECTION 2. Subchapter D, Chapter 592, Health and Safety  
1-36 Code, is amended by adding Section 592.056 to read as follows:

1-37 Sec. 592.056. NOTIFICATION OF TRUST EXEMPTION. (a) At the  
1-38 time a resident is admitted to a residential care facility, the  
1-39 facility shall provide to the resident, and the parent if the  
1-40 resident is a minor or the guardian of the person of the resident,  
1-41 written notice, in the person's primary language, that a trust that  
1-42 qualifies under Section 593.081 is not liable for the resident's  
1-43 support. In addition, the facility shall ensure that, within 24  
1-44 hours after the resident is admitted to the facility, the  
1-45 notification is explained to the resident, and the parent if the  
1-46 resident is a minor or the guardian of the person of the resident:

1-47 (1) orally, in simple, nontechnical terms in the  
1-48 person's primary language, if possible; or

1-49 (2) through a means reasonably calculated to  
1-50 communicate with a person who has an impairment of vision or  
1-51 hearing, if applicable.

1-52 (b) Notice required under Subsection (a) must also be  
1-53 attached to any request for payment for the resident's support.

1-54 SECTION 3. This Act takes effect immediately if it receives  
1-55 a vote of two-thirds of all the members elected to each house, as  
1-56 provided by Section 39, Article III, Texas Constitution. If this  
1-57 Act does not receive the vote necessary for immediate effect, this  
1-58 Act takes effect September 1, 2009.

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