

BILL ANALYSIS

Senate Research Center
82R26626 E

C.S.H.B. 1829
By: Naishtat (Nelson)
Health & Human Services
5/4/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 1829 seeks to provide police with the legal authority to transfer mental health patients admitted to a hospital for emergency detention to appropriate facilities. A key provision of the bill is that it allows a person held in a medical hospital under an emergency detention to be transferred to a psychiatric hospital, with the psychiatric hospital's written permission.

C.S.H.B. 1829 amends current law relating to an application for emergency detention and to the transfer to a mental hospital of a person admitted for emergency detention.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 573.012, Health and Safety Code, by adding Subsection (h-1), to authorize a judge or magistrate, after the presentation of an application under Subsection (h) (relating to authorizing a judge or magistrate to permit an applicant who is a physician to present an application by secure electronic means), to transmit a warrant to the applicant electronically, if a digital signature, as defined by Article 2.26 (Digital Signature and Electronic Documents), Code of Criminal Procedure, is transmitted with the document.

SECTION 2. Amends Section 573.022, Health and Safety Code, by adding Subsection (c), to authorize a facility that has admitted a person for emergency detention under Subsection (a) (relating to authorizing a person to be admitted to a facility for emergency detention only if the physician who conducted the preliminary examination makes a written statement that meets certain requirements) or to which a person has been transported under Subsection (b) (relating to authorizing a mental health facility to transport the person to a facility deemed suitable by the local mental health authority) to transfer the person to an appropriate mental hospital with the written consent of the hospital administrator.

SECTION 2. Effective date: September 1, 2011.