

BILL ANALYSIS

Senate Research Center
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S.B. 1161
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law does not prevent individuals who are involuntarily sent to inpatient mental health facilities from continually cycling through the courts and mental health facilities.

S.B. 1161 allows probate court jurisdiction over a continuing care plan for 90 days, if an individual has received involuntary inpatient mental health services six or more times in the preceding year.

As proposed, S.B. 1161 amends current law relating to requiring certain persons to follow certain plans and receive certain mental health services on release or discharge from an inpatient mental health facility.

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 573.023, Health and Safety Code, by amending Subsection (b) and adding Subsections (c), (d), and (e), as follows:

(b) Requires that a person admitted to a facility under Section 573.022 (Emergency Admission and Detention), except as provided by Subsections (c) and (d), be released if the facility administrator determines at any time during the emergency detention period that one of the criteria prescribed by Section 573.022(2) (relating to stating that after a preliminary examination it is the physician's opinion that certain criteria are met) no longer applies.

(c) Requires the physician responsible for the person's treatment to prepare a continuing care plan for the person and the facility to apply to the court that issued the warrant or another court having probate jurisdiction in the county for an order to compel the person to follow the continuing care plan for 90 days, if the person has received involuntary inpatient mental health services six or more times in the year preceding the date the person was admitted to the facility and may be released under Subsection (b). Authorizes the court, in accordance with the continuing care plan, to order the person to:

- (1) receive treatment with psychoactive medication;
- (2) participate in counseling; and
- (3) refrain from the use of alcohol or illicit drugs.

(d) Authorizes the court to renew an order issued under Subsection (c) one or more times for an additional 90 days if the court finds that renewal is in the best interest of the person.

(e) Authorizes, the judge that issued the order requiring the plan, if a person fails to follow the requirements of the continuing care plan, to issue a warrant for the person's apprehension in accordance with Section 573.012 (Issuance of Warrant).

SECTION 2. Amends Section 574.034, Health and Safety Code, by amending Subsection (i) and adding Subsections (j) and (k), as follows:

(i) Provides that a judge, except as provided by Subsection (j), is authorized to advise, but is prohibited from compelling, the proposed patient to perform certain actions.

(j) Authorizes the judge, if the proposed patient has received involuntary inpatient mental health services six or more times in the year preceding the date the order is issued, to compel the proposed patient to:

(1) receive treatment with psychoactive medication as specified by the outpatient mental health services treatment plan;

(2) participate in counseling; and

(3) refrain from the use of alcohol or illicit drugs.

(k) Authorizes the judge of the court that issued the order, if a patient fails to follow the requirements of the outpatient mental health services treatment plan, to issue a warrant for the patient's apprehension in accordance with Section 573.012.

SECTION 3. Amends Section 574.081, Health and Safety Code, by amending Subsection (f) and adding Subsections (i) and (j), as follows:

(f) Authorizes a patient who is to be discharged, except as provided by Subsections (i) and (j), to refuse the continuing care services.

(i) Requires the facility, if a patient received involuntary inpatient mental health services six or more times in the year preceding the date the commitment order was issued, to apply to the court that entered the order committing the person for an order to compel the patient to follow the continuing care plan for 90 days. Authorizes the judge, in accordance with the continuing care plan, to order the patient to:

(1) receive treatment with psychoactive medication;

(2) participate in counseling; and

(3) refrain from the use of alcohol or illicit drugs.

(j) Authorizes the court to renew an order issued under Subsection (i) one or more times for an additional 90 days if the court finds that renewal is in the best interest of the patient.

SECTION 4. Effective date: September 1, 2011.