

By: Shelton

H.B. No. 3380

A BILL TO BE ENTITLED

AN ACT

relating to certain persons receiving mental health services.

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

SECTION 1. Chapter 575 of the Health and Safety Code is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. TRANSFER FOR MEDICAL TREATMENT

Sec. 575.031. TEMPORARY TRANSFER FOR MEDICAL TREATMENT.

(a) The facility administrator of an inpatient mental health facility to which a patient has been admitted for court-ordered inpatient mental health care services or in which a patient or proposed patient is being detained under a protective custody or detention order may temporarily transfer the patient or proposed patient to a hospital if, in the opinion of a physician, the patient or proposed patient needs immediate medical care or treatment.

(b) After receiving medical care or treatment, the hospital shall return the patient or proposed patient to the inpatient mental health facility where the patient or proposed patient was committed or detained unless the order under which the patient or proposed patient was committed or detained has expired or been otherwise terminated.

(c) An order for mental health services or a protective custody order may be renewed as provided by this chapter while a patient or proposed patient is receiving services in a hospital under this section.

1 SECTION 8. Section 770, Texas Probate Code, is amended by
2 amending Subsection (b) and adding Subsection (e) to read as
3 follows:

4 (b) Except as provided by Subsection (c), ~~or~~ (d), or (e)
5 of this section, a guardian may not voluntarily admit an
6 incapacitated person to a public or private in-patient psychiatric
7 facility or to a residential facility operated by the Texas
8 Department of Mental Health and Mental Retardation for care and
9 treatment. If care and treatment in a psychiatric or a residential
10 facility are necessary, the person or the person's guardian may:

11 (1) apply for services under Section 593.027 or
12 593.028, Health and Safety Code;

13 (2) apply to a court to commit the person under
14 Subtitle D, Title 7, Health and Safety Code (Persons with Mental
15 Retardation Act), Subtitle C, Title 7, Health and Safety Code
16 (Texas Mental Health Code), or Chapter 462, Health and Safety Code;
17 or

18 (3) transport the ward to an inpatient mental health
19 facility for a preliminary examination in accordance with
20 Subchapters A and C, Chapter 573, Health and Safety Code.

21 (e) A guardian of a person 16 years of age or older whose
22 primary incapacity is an intellectual disability and whose mental
23 age is younger than 16 years of age may voluntarily admit the person
24 to a public or private inpatient psychiatric facility for care and
25 treatment for a period not to exceed 14 days. The guardian and the
26 facility administrator shall immediately file written notice with
27 the court of an admission under this subsection.

1 SECTION 9. This Act takes effect September 1, 2011.