

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 5, 2011**

**TO:** Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1128** by Menendez (Relating to consent to certain medical treatments by a surrogate decision-maker on behalf of certain inmates.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill amends Health and Safety Code, Chapter 313 to add an adult inmate of a county or municipal jail to the list of persons for whom certain adult surrogates can consent to medical treatment on behalf of. The bill specifies, however, that the adult surrogate may not also consent to psychotropic medication, involuntary inpatient mental health services, or psychiatric services calculated to restore competency to stand trial, on behalf of the adult inmate. The bill also puts limitations on the period of time an adult surrogate may consent to medical treatment on behalf of the inmate.

It is anticipated that any costs associated with these provisions can be absorbed within existing agency resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 537 State Health Services, Department of

**LBB Staff:** JOB, JF, KKR, CL, NB