

BILL ANALYSIS

Senate Research Center

H.B. 1738
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Subtitle C (Texas Mental Health Code), Title 7 (Mental Health and Mental Retardation), Health and Safety Code, has not been substantially revised since 1985. During this time, the Texas mental health system has undergone dramatic change, and an update is necessary to address those changes. Current law is unwieldy and difficult to navigate, resulting in inefficient allocation of state resources. It has been suggested that the increased number of forensic commitments to state hospitals through the criminal justice system is in part a product of the difficulties in navigating the civil commitment process.

Currently, police officers are transporting persons in mental health emergencies across the state, but officers and mental health facilities across the state do not all use the same detention forms which guide decision-making processes. The detention forms contain valuable information on the detained person's condition, circumstances of apprehension, and potential risks, and goes into the person's medical file and may be used to make treatment, as well as commitment, determinations.

This bill creates statewide, standardized forms to ensure that laws regarding emergency detention procedures are applied consistently throughout the state.

H.B. 1738 amends current law relating to a standard form of notification for the detention of a person with mental illness.

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 573.002, Health and Safety Code, as follows:

Sec. 573.002. New heading: PEACE OFFICER'S NOTIFICATION OF DETENTION.

(a) Requires a peace officer to immediately file with a facility a notification of detention after transporting a person to that facility in accordance with Section 573.001 (Apprehension by Peace Officer Without Warrant), rather than requiring a peace officer to immediately file an application for detention after transporting a person to a facility under Section 573.001.

(b) Requires that the notification of, rather than the application for, detention contain certain information.

(c) Requires the facility where the person is detained to include in the detained person's clinical file the notification of detention described by this section.

(d) Sets forth the required form on which the peace officer is required to give the notification of detention described by this section. Prohibits a mental health facility or hospital emergency department from requiring a peace officer to

execute any form other than this form as a predicate to accepting for temporary admission a person detained under Section 573.001, Health and Safety Code.

(e) Prohibits a mental health facility or hospital emergency department from requiring a peace officer to execute any form other than the form provided by Subsection (d) as a predicate to accepting for temporary admission a person detained under Section 573.001.

SECTION 2. Amends Section 573.021(a), Health and Safety Code, to require a facility to temporarily accept a person for whom an application for detention is filed or for whom a peace officer files a notification of detention under Section 573.002(a).

SECTION 3. Effective date: September 1, 2013.