

BILL ANALYSIS

Senate Research Center

S.B. 1889
By: Eltife
Health & Human Services
7/22/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In certain parts of Texas, particularly those counties that share borders with other states, coordinating care for mental health patients can be difficult. When anyone, regardless of state of residence, presents at a Texas emergency department, federal law requires the hospital to stabilize the patient. If an out-of-state patient requires an involuntary commitment, it can be difficult to return that individual to his or her home state to receive appropriate treatment. Further, if an involuntary patient is in a hospital that lacks inpatient beds, and cannot be moved to an appropriate facility, the person is not getting the care that he or she needs. For a Texas hospital that does not have inpatient beds, this can prove especially burdensome because the patient must be held in an emergency room until being involuntarily committed and transferred to an appropriate facility.

S.B. 1889 amends current law relating to the transport of a mental health patient who is not a resident of this state.

[**Note:** While the statutory reference in this bill is to the Texas Department of Mental Health and Mental Retardation (TXMHMR), the following amendments affect the Department of State Health Services, as the successor agency to TXMHMR.]

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 571.003(12), Health and Safety Code, to redefine "mental health facility."

SECTION 2. Amends Sections 571.008(a), (c), and (e), Health and Safety Code, as follows:

(a) Authorizes the Texas Department of Mental Health and Mental Retardation (TXMHMR) to return a nonresident patient committed to a TXMHMR mental health facility or other mental health facility under Section 571.0081 to the proper agency of the patient's state of residence.

(c) Authorizes TXMHMR, subject to Section 571.0081, to enter into reciprocal agreements with the state or local authorities, as defined by Section 571.0081, rather than with the proper agencies, of other states to facilitate the return of persons committed to mental health facilities in this state or another state to the states of their residence.

(e) Requires the state returning a committed patient to another state to bear the expenses of returning the patient, unless the state agrees to share costs under a reciprocal agreement under Section 571.0081.

SECTION 3. Amends Chapter 571, Health and Safety Code, by adding Section 571.0081, as follows:

Sec. 571.0081. RETURN OF COMMITTED PATIENT TO STATE OF RESIDENCE; RECIPROCAL AGREEMENTS. (a) Defines "state or local authority" in this section.

(b) Requires TXMHMR, if a state or local authority of another state petitions TXMHMR, to enter into a reciprocal agreement with the state or local authority to facilitate the return of persons committed to mental health facilities in this state to the state of their residence unless TXMHMR determines that the terms of the agreement are not acceptable.

(c) Requires that a reciprocal agreement entered into by TXMHMR under Subsection (b) require TXMHMR to develop a process for returning persons committed to mental health facilities to their state of residence. Requires that the process provide suitable care for the person committed to a mental health facility, use available resources efficiently, and consider commitment to a proximate mental health facility to facilitate the return of the committed patient to the patient's state of residence.

(d) Requires TXMHMR, for the purpose of this section, to coordinate, as appropriate, with a mental health facility, a mental hospital, health service providers, courts, and law enforcement personnel located in the geographic area nearest the petitioning state.

SECTION 4. Makes application of the change in law made by this Act prospective.

SECTION 5. Effective date: September 1, 2013.