

By: McClendon

H.B. No. 205

A BILL TO BE ENTITLED

AN ACT

relating to the allocation of beds in and the commitment of certain persons to certain mental health facilities.

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

SECTION 1. Subchapter B, Chapter 533, Health and Safety Code, is amended by adding Sections 533.051, 533.052, and 533.053 to read as follows:

Sec. 533.051. ALLOCATION OF BEDS IN STATE HOSPITALS. (a)

The commission shall plan separately for the allocation of beds in the state hospitals for the following two groups of patients:

(1) patients who are voluntarily admitted to a state hospital under Chapter 572, admitted to a state hospital for emergency detention under Chapter 573, or ordered by a court to receive inpatient mental health services at a state hospital under Chapter 574; and

(2) patients who are committed to a state hospital for an examination of competency or to attain competency to stand trial under Chapter 46B, Code of Criminal Procedure, or to receive inpatient mental health services following an acquittal by reason of insanity under Chapter 46C, Code of Criminal Procedure.

(b) The plan developed by the commission under Subsection (a) must include:

(1) separate determinations of the minimum numbers of beds that the state hospital system is required to maintain for the

1 two groups of patients described by Subsection (a);

2 (2) a statewide plan for the separate allocation of
3 funds for the maintenance of beds by the state hospitals for the two
4 groups of patients; and

5 (3) a process to adjust the number of beds made
6 available to the two groups of patients based on the success the
7 commission has in contracting with private mental health facilities
8 under Sections 533.034 and 533.052.

9 (c) In developing a plan under Subsection (a), the
10 commission shall consider:

11 (1) the frequency of use of beds and the historical
12 patterns of use of beds in each state hospital by the two groups of
13 patients described by Subsection (a);

14 (2) local needs and demands for beds in each state
15 hospital for the two groups of patients;

16 (3) the availability of private mental health
17 facilities with which the commission may contract to provide beds
18 for the two groups of patients; and

19 (4) the differences between the two groups of patients
20 described by Subsection (a) with regard to:

21 (A) admission to and discharge from a state
22 hospital;

23 (B) rapid stabilization and discharge to the
24 community;

25 (C) length of stay in a state hospital;

26 (D) disputes arising from the determination of a
27 patient's length of stay in a state hospital by a health maintenance

1 organization or a managed care organization;
2 (E) third-party billing; and
3 (F) legal challenges or requirements related to
4 the examination and treatment of the group of patients described by
5 Subsection (a)(2).

6 (d) The commission shall update the plan biennially.

7 Sec. 533.052. CONTRACTING WITH PRIVATE MENTAL HEALTH
8 FACILITIES TO PROVIDE BEDS FOR CERTAIN PERSONS. The commission
9 shall make every effort to contract with private mental health
10 facilities to make available a sufficient number of beds, as
11 specified in the plan developed by the commission under Section
12 533.051, for the group of patients described by Section
13 533.051(a)(2) to ensure that a sufficient number of beds in state
14 hospitals are available for the group of patients described by
15 Section 533.051(a)(1).

16 Sec. 533.053. INFORMING COURTS OF COMMITMENT OPTIONS. The
17 commission shall develop and implement a procedure through which a
18 court that has the authority to commit a person who is incompetent
19 to stand trial or who has been acquitted by reason of insanity is
20 aware of all of the mental health facilities in which beds are
21 available and to which the court may commit the person as provided
22 by Chapters 46B and 46C, Code of Criminal Procedure, including
23 private mental health facilities that contract with the commission
24 under Section 533.052.

25 SECTION 2. Not later than December 1, 2013, the executive
26 commissioner of the Health and Human Services Commission shall
27 adopt any rules necessary to implement Section 533.051, Health and

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1 Safety Code, as added by this Act, and the rules required by Section
2 533.053, Health and Safety Code, as added by this Act.

3 SECTION 3. This Act takes effect September 1, 2013.