

By: Workman

H.B. No. 2186

A BILL TO BE ENTITLED

AN ACT

relating to authority of certain facilities to temporarily detain a person with mental illness.

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

SECTION 1. The heading to Subchapter A, Chapter 573, Health and Safety Code, is amended to read as follows:

SUBCHAPTER A. APPREHENSION, ~~[BY PEACE OFFICER OR]~~  
TRANSPORTATION, OR DETENTION WITHOUT JUDGE'S OR MAGISTRATE'S ORDER  
~~[FOR EMERGENCY DETENTION BY GUARDIAN]~~

SECTION 2. Subchapter A, Chapter 573, Health and Safety Code, is amended by adding Section 573.005 to read as follows:

Sec. 573.005. TEMPORARY DETENTION BY CERTAIN FACILITIES.

(a) In this section, "facility" means:

- (1) a mental health facility;
- (2) a hospital licensed under Chapter 241; and
- (3) a freestanding emergency medical care facility licensed under Chapter 254.

(b) A facility that is examining or treating a person who requested treatment from the facility may detain the person as provided by this section if:

(1) the person expresses a desire to leave the facility or attempts to leave the facility before the examination or treatment is completed; and

(2) the facility:

1           (A) has reason to believe and does believe that:

2                   (i) the person has a mental illness; and

3                   (ii) because of that mental illness there  
4 is a substantial risk of serious harm to the person or to others  
5 unless the person is immediately restrained; and

6           (B) believes that there is not sufficient time to  
7 file an application for emergency detention or for an order of  
8 protective custody.

9           (c) The facility shall notify the person if the facility  
10 intends to detain the person under this section.

11           (d) The facility shall document in writing a decision to  
12 detain a person under this section and the reasons for that  
13 decision.

14           (e) The period of a person's detention authorized by this  
15 section may not exceed four hours following the time the person  
16 first expressed a desire to leave, or attempted to leave, the  
17 facility. The facility shall release the person before the end of  
18 the four-hour period unless a warrant for emergency detention or an  
19 order of protective custody is issued.

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