

By: Burkett

H.B. No. 3118

A BILL TO BE ENTITLED

AN ACT

relating to court-ordered outpatient mental health services.

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

SECTION 1. Section 574.037, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (c-1) and (c-2) to read as follows:

(b) The person responsible for the services shall submit to the court within two weeks after the court enters the order a general program of the treatment to be provided. The program must include care coordination services and any other services or treatment a treating physician considers clinically appropriate to treat the patient's mental illness and assist the patient in functioning safely in the community. The program must be incorporated into the court order.

(c-1) A court that receives information under Subsection (c)(1) that a patient is not complying with the program incorporated into the court's order may:

(1) set a modification hearing under Section 574.062;
and

(2) issue an order for temporary detention under Section 574.063(c).

(c-2) The failure of a patient to comply with the program incorporated into a court order is not grounds for:

(1) punishment for contempt of court under Section

1 21.002, Government Code;

2 (2) issuance of an order authorizing administration of
3 psychoactive medication regardless of the patient's refusal; or

4 (3) commitment to an inpatient mental health facility,
5 provided that this subsection does not prevent a court from
6 ordering that commitment under Section 574.065(d)(2).

7 SECTION 2. Section 574.063(b), Health and Safety Code, is
8 amended to read as follows:

9 (b) The application must state the applicant's opinion and
10 detail the reasons for the applicant's opinion that:

11 (1) the patient meets the criteria for court-ordered
12 inpatient mental health services prescribed by Section 574.034(a)
13 or 574.035(a) [~~described by Section 574.065(a)~~]; and

14 (2) detention in an inpatient mental health facility
15 is necessary to evaluate the appropriate setting for continued
16 court-ordered services.

17 SECTION 3. Sections 574.064(b) and (d), Health and Safety
18 Code, are amended to read as follows:

19 (b) A patient may be detained under a temporary detention
20 order for more than 72 hours, excluding Saturdays, Sundays, legal
21 holidays, and the period prescribed by Section 574.025(b) for an
22 extreme emergency only if, after a hearing held before the
23 expiration of that period, the court, a magistrate, or a designated
24 associate judge finds that there is probable cause to believe that:

25 (1) the patient meets the criteria for court-ordered
26 inpatient mental health services prescribed by Section 574.034(a)
27 or 574.035(a) [~~described by Section 574.065(a)~~]; and

1 (2) detention in an inpatient mental health facility
2 is necessary to evaluate the appropriate setting for continued
3 court-ordered services.

4 (d) A facility administrator shall immediately release a
5 patient held under a temporary detention order if:

6 (1) at any time during the detention the examining
7 physician determines that the patient does not meet the criteria
8 for court-ordered inpatient mental health services prescribed by
9 Section 574.034(a) or 574.035(a); or

10 (2) the facility administrator does not receive notice
11 that the patient's continued detention is authorized:

12 (A) [~~(1)~~] after a probable cause hearing held
13 within 72 hours after the patient's detention begins; or

14 (B) [~~(2)~~] after a modification hearing held
15 within the period prescribed by Section 574.062.

16 SECTION 4. Sections 574.034(i) and 574.035(j), Health and
17 Safety Code, are repealed.

18 SECTION 5. This Act takes effect September 1, 2013.