

By: Lavender

H.B. No. 3427

A BILL TO BE ENTITLED

AN ACT

relating to the transport of a mental health patient who is not a resident of this state.

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

SECTION 1. Sections 571.008(c) and (e), Health and Safety Code, are amended to read as follows:

(c) Subject to Section 571.0081, the ~~[The]~~ department may enter into reciprocal agreements with the state or local authorities, as defined by Section 571.0081, ~~[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) The state returning a committed patient to another state shall bear the expenses of returning the patient, unless the state agrees to share costs under a reciprocal agreement under Section 571.0081.

SECTION 2. Chapter 571, Health and Safety Code, is amended by adding Section 571.0081 to read as follows:

Sec. 571.0081. RETURN OF COMMITTED PATIENT TO STATE OF RESIDENCE; RECIPROCAL AGREEMENTS. (a) In this section, "state or local authority" means a state or local government authority or agency or a representative of a state or local government authority or agency acting in an official capacity.

(b) If a state or local authority of another state petitions

1 the department, the department shall enter into a reciprocal
2 agreement with the state or local authority to facilitate the
3 return of persons committed to mental health facilities in this
4 state to the state of their residence unless the department
5 determines that the terms of the agreement are not acceptable.

6 (c) A reciprocal agreement entered into by the department
7 under Subsection (b) must require the department to develop a
8 process for returning persons committed to mental health facilities
9 to their state of residence. The process must:

10 (1) provide suitable care for the person committed to
11 a mental health facility;

12 (2) use available resources efficiently; and

13 (3) consider commitment to a proximate mental health
14 facility to facilitate the return of the committed patient to the
15 patient's state of residence.

16 (d) For the purpose of this section, the department shall
17 coordinate, as appropriate, with a mental health facility, a mental
18 hospital, health service providers, courts, and law enforcement
19 personnel located in the geographic area nearest the petitioning
20 state.

21 SECTION 3. The change in law made by this Act to Chapter
22 571, Health and Safety Code, applies only to a reciprocal agreement
23 between the state and another entity entered into on or after the
24 effective date of this Act. A reciprocal agreement entered into
25 between the state and another entity before the effective date of
26 this Act is governed by the law in effect on the date the reciprocal
27 agreement was entered into, and the former law is continued in

1 effect for that purpose.

2 SECTION 4. This Act takes effect September 1, 2013.