

By: Coleman

H.B. No. 3731

Substitute the following for H.B. No. 3731:

By: Kolkhorst

C.S.H.B. No. 3731

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the date of a hearing on an application for an order to
3 authorize psychoactive medication for a person receiving inpatient
4 mental health services.

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

6 SECTION 1. Section 574.104, Health and Safety Code, is
7 amended by amending Subsections (d) and (e) and adding Subsections
8 (d-1) and (f) to read as follows:

9 (d) The hearing on an ~~[the]~~ application for an order to
10 authorize psychoactive medication shall ~~[may]~~ be held:

11 (1) if the patient is under a court order for inpatient
12 mental health services under this chapter or other law, not later
13 than five business days after the filing of the application for an
14 order to authorize psychoactive medication; or

15 (2) if an application for court-ordered mental health
16 services under Section 574.034 or 574.035 has been filed for the
17 patient:

18 (A) on the date of a hearing on that ~~[an]~~
19 application; or

20 (B) on a showing of good cause why the hearing
21 cannot or should not be held on the date prescribed by Paragraph
22 (A), ~~[for court-ordered mental health services under Section~~

23 ~~574.034 or 574.035 but shall be held]~~ not later than five business
24 ~~[30]~~ days after the filing of the application for the order to

1 authorize psychoactive medication.

2 (d-1) If the hearing is not held on the same day as the
3 application for court-ordered mental health services under Section
4 574.034 or 574.035 and the patient is transferred to a mental health
5 facility in another county, the court may transfer the application
6 for an order to authorize psychoactive medication to the county
7 where the patient has been transferred.

8 (e) Subject to the requirement in Subsection (d) that the
9 hearing shall be held on the date of a hearing on an application for
10 court-ordered mental health services under Section 574.034 or
11 574.035 or not later than five business ~~[30]~~ days after the filing
12 of the application for an order to authorize psychoactive
13 medication, the court may grant one continuance on a party's motion
14 or ~~[and]~~ for good cause shown. The court may grant more than one
15 continuance only with the agreement of the parties.

16 (f) Nothing in this section shall be construed to require a
17 physician to file an application for an order to authorize
18 psychoactive medication for a patient for whom an application for
19 court-ordered mental health services under Section 574.034 or
20 574.035 has been filed.

21 SECTION 2. The changes in law made by this Act to Section
22 574.104, Health and Safety Code, apply only to an application to
23 authorize the administration of certain medication that is filed on
24 or after the effective date of this Act. An application to
25 authorize the administration of certain medication that is filed
26 before the effective date of this Act is governed by the law in
27 effect on the date on which the application was filed, and the

1 former law is continued in effect for that purpose.

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