By: West

S.B. No. 718

A BILL TO BE ENTITLED

1 AN ACT 2 relating to voluntary and involuntary mental health services. 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: 4 SECTION 1. The heading to Chapter 572, Health and Safety Code, is amended to read as follows: 5 CHAPTER 572. VOLUNTARY [INPATIENT] MENTAL HEALTH SERVICES 6 SECTION 2. Section 572.001, Health and Safety Code, 7 is amended by amending Subsections (a), (c), and (d) and adding 8 Subsections (a-1) and (c-1) to read as follows: 9 10 (a) A person 16 years of age or older [or a person younger than 16 years of age who is or has been married] may request 11 12 admission to an inpatient mental health facility or for outpatient mental health services by filing a request with the administrator 13 of the facility where [to which] admission or outpatient treatment 14 15 is requested. The parent, managing conservator, or guardian of a person younger than 18 years of age [who is not and has not been 16 married] may request the admission of the person to an inpatient 17 mental health facility or for outpatient mental health services by 18 filing a request with the administrator of the facility where [to 19 which] admission or outpatient treatment is requested. 20 (a-1) Except as provided by Subsection (c), an inpatient 21 22 mental health facility or provider of outpatient mental health

23 services may admit or provide services to a person older than 16
24 years of age and younger than 18 years of age if the person's

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parent, managing conservator, or guardian consents to the admission or services, even if the person does not consent to the admission or services.

4 (c) A person or agency appointed as the guardian or a managing conservator of a person younger than 18 years of age and 5 acting as an employee or agent of the state or a political 6 7 subdivision of the state may request admission of the person younger than 18 years of age only with the person's consent. If the 8 9 person does not consent, the person may be admitted for inpatient services only pursuant to an application for court-ordered mental 10 11 health services or emergency detention or an order for protective custody. 12

13 (c-1) A person younger than 18 years of age may not be 14 involuntarily committed unless provided by this chapter, other 15 state law, or department rule.

(d) The administrator of an inpatient <u>or outpatient</u> mental health facility may admit a minor who is 16 years of age or older [or a person younger than 16 years of age who is or has been married] to an inpatient <u>or outpatient</u> mental health facility as a voluntary patient without the consent of the parent, managing conservator, or guardian.

22 SECTION 3. Section 572.002, Health and Safety Code, is 23 amended to read as follows:

Sec. 572.002. ADMISSION. The facility administrator or the administrator's authorized, qualified designee may admit a person for whom a proper request for voluntary inpatient <u>or outpatient</u> services is filed if the administrator or the designee determines:

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(1) from a preliminary examination that the person has
 symptoms of mental illness and will benefit from the inpatient <u>or</u>
 <u>outpatient</u> services;

4 (2) that the person has been informed of the person's5 rights as a voluntary patient; and

(3) 6 that the admission was voluntarily agreed to: 7 (A) by the person, if the person is [+ [(i)] 16 years of age or older; or 8 9 [(ii) younger than 16 years of age and is or has been married; or] 10 (B) 11 by the person's parent, managing

12 conservator, or guardian, if the person is younger than 18 years of 13 age [and is not and has not been married].

14 SECTION 4. This Act takes effect immediately if it receives 15 a vote of two-thirds of all the members elected to each house, as 16 provided by Section 39, Article III, Texas Constitution. If this 17 Act does not receive the vote necessary for immediate effect, this 18 Act takes effect September 1, 2013.

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