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

5 Code, is amended to read as follows:

6   CHAPTER 572.   VOLUNTARY [INPATIENT] MENTAL HEALTH SERVICES

7   SECTION 2. Section 572.001, Health and Safety Code, is

8 amended by amending Subsections (a), (c), and (d) and adding

9 Subsections (a-1) and (c-1) to read as follows:

10   (a) A person 16 years of age or older [or a person younger

11 than 16 years of age who is or has been married] may request

12 admission to an inpatient mental health facility or for outpatient

13 mental health services by filing a request with the administrator

14 of the facility where [to which] admission or outpatient treatment

15 is requested. The parent, managing conservator, or guardian of a

16 person younger than 18 years of age [who is not and has not been

17 married] may request the admission of the person to an inpatient

18 mental health facility or for outpatient mental health services by

19 filing a request with the administrator of the facility where [to

20 which] admission or outpatient treatment is requested.

21   (a-1) Except as provided by Subsection (c), an inpatient

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

1 parent, managing conservator, or guardian consents to the admission

2 or services, even if the person does not consent to the admission or

3 services.

4   (c) A person or agency appointed as the guardian or a

5 managing conservator of a person younger than 18 years of age and

6 acting as an employee or agent of the state or a political

7 subdivision of the state may request admission of the person

8 younger than 18 years of age only with the person's consent. If the

9 person does not consent, the person may be admitted for inpatient

10 services only pursuant to an application for court-ordered mental

11 health services or emergency detention or an order for protective

12 custody.

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.

16   (d) The administrator of an inpatient or outpatient mental

17 health facility may admit a minor who is 16 years of age or older [or

18 a person younger than 16 years of age who is or has been married] to

19 an inpatient or outpatient mental health facility as a voluntary

20 patient without the consent of the parent, managing conservator, or

21 guardian.

22   SECTION 3. Section 572.002, Health and Safety Code, is

23 amended to read as follows:

24   Sec. 572.002. ADMISSION. The facility administrator or the

25 administrator's authorized, qualified designee may admit a person

26 for whom a proper request for voluntary inpatient or outpatient

27 services is filed if the administrator or the designee determines:

1   (1) from a preliminary examination that the person has

2 symptoms of mental illness and will benefit from the inpatient <u>or</u>

3 <u>outpatient</u> services;

4   (2) that the person has been informed of the person's

5 rights as a voluntary patient; and

6   (3) that the admission was voluntarily agreed to:

7   (A) by the person, if the person is[~~:~~

8   [~~(i)~~] 16 years of age or older; or

9   [~~(ii) younger than 16 years of age and is or~~

10 ~~has been married; or~~]

11   (B) 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.