

By: West

S.B. No. 938

A BILL TO BE ENTITLED

AN ACT

relating to the payment of costs incurred by the involuntary
commitment of persons with mental illness.

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

SECTION 1. Section 571.018, Health and Safety Code, is
amended by amending Subsections (a) and (b) and adding Subsections
(h-1) and (h-2) to read as follows:

(a) The costs for a hearing or proceeding under this
subtitle shall be paid by:

(1) the county in which ~~[that initiates]~~ emergency
detention procedures are initiated under Subchapter A or B, Chapter
573; or

(2) if no emergency detention procedures are
initiated, the county that accepts an application for court-ordered
mental health services, issues an order for protective custody, or
issues an order for temporary mental health services.

(b) The county responsible for the costs of a hearing or
proceeding under Subsection (a) shall pay the costs of all
subsequent hearings or proceedings for that person under this
subtitle until the person is discharged from mental health
services. The county may not pay the costs from any fees collected
under Section 51.704, Government Code. The costs shall be billed by
the clerk of the court conducting the hearings.

(h-1) Notwithstanding any other provision of this section,

1 the state or the county, as appropriate, shall pay the costs of a
2 hearing or proceeding for a patient committed to an inpatient
3 mental health facility described by Section 571.003(9)(B) or (E) if
4 the facility:

5 (1) provides services to the patient under a contract
6 with:

7 (A) the state to provide services in a local
8 service area; or

9 (B) the state or a county to provide behavioral
10 health services to an individual:

11 (i) whose net family income is at or below
12 200 percent of the federal poverty level or who is enrolled in the
13 Medicaid program; and

14 (ii) for whom no other third party payor is
15 available to pay for behavioral health services for the individual;
16 and

17 (2) files an affidavit with the clerk of the court
18 conducting the hearing or proceeding certifying that the facility
19 is or will be providing the services to the patient under a contract
20 described by Subdivision (1).

21 (h-2) An inpatient mental health facility described by
22 Section 571.003(9)(B) or (E) is liable for any costs for a patient
23 not described by Subsection (h-1) who is committed to the facility,
24 regardless of whether the patient is indigent. A private mental
25 hospital is entitled to seek reimbursement for those costs from the
26 patient.

27 SECTION 2. The changes in law made by this Act apply only to

1 the costs of an emergency detention hearing, a hearing on an
2 application for court-ordered mental health services, or a hearing
3 on a motion for an order of protective custody initiated on or after
4 the effective date of this Act. The costs of an emergency detention
5 hearing, a hearing on an application for court-ordered mental
6 health services, or a hearing on a motion for an order of protective
7 custody initiated before the effective date of this Act are
8 governed by the law in effect when the hearing was initiated, and
9 the former law is continued in effect for that purpose.

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