

By: Eltife
(Lavender)

S.B. No. 1889

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. Subdivision (12), Section 571.003, Health and Safety Code, is amended to read as follows:

(12) "Mental health facility" means:

(A) an inpatient or outpatient mental health facility operated by the department, a federal agency, a political subdivision, or any person;

(B) a community center or a facility operated by a community center; ~~or~~

(C) that identifiable part of a general hospital in which diagnosis, treatment, and care for persons with mental illness is provided; or

(D) with respect to a reciprocal agreement entered into under Section 571.0081, any hospital or facility designated as a place of commitment by the department, a local mental health authority, and the contracting state or local authority.

SECTION 2. Subsections (a), (c), and (e), Section 571.008, Health and Safety Code, are amended to read as follows:

(a) The department may return a nonresident patient committed to a department mental health facility or other mental

1 health facility under Section 571.0081 to the proper agency of the
2 patient's state of residence.

3 (c) Subject to Section 571.0081, the ~~[The]~~ department may
4 enter into reciprocal agreements with the state or local
5 authorities, as defined by Section 571.0081, ~~[proper agencies]~~ of
6 other states to facilitate the return of persons committed to
7 mental health facilities in this state or another state to the
8 states of their residence.

9 (e) The state returning a committed patient to another state
10 shall bear the expenses of returning the patient, unless the state
11 agrees to share costs under a reciprocal agreement under Section
12 571.0081.

13 SECTION 3. Chapter 571, Health and Safety Code, is amended
14 by adding Section 571.0081 to read as follows:

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

20 (b) If a state or local authority of another state petitions
21 the department, the department shall enter into a reciprocal
22 agreement with the state or local authority to facilitate the
23 return of persons committed to mental health facilities in this
24 state to the state of their residence unless the department
25 determines that the terms of the agreement are not acceptable.

26 (c) A reciprocal agreement entered into by the department
27 under Subsection (b) must require the department to develop a

1 process for returning persons committed to mental health facilities
2 to their state of residence. The process must:

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

5 (2) use available resources efficiently; and

6 (3) consider commitment to a proximate mental health
7 facility to facilitate the return of the committed patient to the
8 patient's state of residence.

9 (d) For the purpose of this section, the department shall
10 coordinate, as appropriate, with a mental health facility, a mental
11 hospital, health service providers, courts, and law enforcement
12 personnel located in the geographic area nearest the petitioning
13 state.

14 SECTION 4. The change in law made by this Act to Chapter
15 571, Health and Safety Code, applies only to a reciprocal agreement
16 between the state and another entity entered into on or after the
17 effective date of this Act. A reciprocal agreement entered into
18 between the state and another entity before the effective date of
19 this Act is governed by the law in effect on the date the reciprocal
20 agreement was entered into, and the former law is continued in
21 effect for that purpose.

22 SECTION 5. This Act takes effect September 1, 2013.