

1-1 By: Eltife S.B. No. 1889  
 1-2 (In the Senate - Filed April 12, 2013; April 15, 2013, read  
 1-3 first time and referred to Committee on Health and Human Services;  
 1-4 April 23, 2013, reported favorably by the following vote: Yeas 7,  
 1-5 Nays 0; April 23, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Nelson	X			
1-8 Deuell	X			
1-9 Huffman	X			
1-10 Nichols			X	
1-11 Schwertner	X			
1-12 Taylor	X			
1-13 Uresti			X	
1-14 West	X			
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the transport of a mental health patient who is not a  
 1-20 resident of this state.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subdivision (12), Section 571.003, Health and  
 1-23 Safety Code, is amended to read as follows:

1-24 (12) "Mental health facility" means:

1-25 (A) an inpatient or outpatient mental health  
 1-26 facility operated by the department, a federal agency, a political  
 1-27 subdivision, or any person;

1-28 (B) a community center or a facility operated by  
 1-29 a community center; ~~or~~

1-30 (C) that identifiable part of a general hospital  
 1-31 in which diagnosis, treatment, and care for persons with mental  
 1-32 illness is provided; or

1-33 (D) with respect to a reciprocal agreement  
 1-34 entered into under Section 571.0081, any hospital or facility  
 1-35 designated as a place of commitment by the department, a local  
 1-36 mental health authority, and the contracting state or local  
 1-37 authority.

1-38 SECTION 2. Subsections (a), (c), and (e), Section 571.008,  
 1-39 Health and Safety Code, are amended to read as follows:

1-40 (a) The department may return a nonresident patient  
 1-41 committed to a department mental health facility or other mental  
 1-42 health facility under Section 571.0081 to the proper agency of the  
 1-43 patient's state of residence.

1-44 (c) Subject to Section 571.0081, the ~~[The]~~ department may  
 1-45 enter into reciprocal agreements with the state or local  
 1-46 authorities, as defined by Section 571.0081, [proper agencies] of  
 1-47 other states to facilitate the return of persons committed to  
 1-48 mental health facilities in this state or another state to the  
 1-49 states of their residence.

1-50 (e) The state returning a committed patient to another state  
 1-51 shall bear the expenses of returning the patient, unless the state  
 1-52 agrees to share costs under a reciprocal agreement under Section  
 1-53 571.0081.

1-54 SECTION 3. Chapter 571, Health and Safety Code, is amended  
 1-55 by adding Section 571.0081 to read as follows:

1-56 Sec. 571.0081. RETURN OF COMMITTED PATIENT TO STATE OF  
 1-57 RESIDENCE; RECIPROCAL AGREEMENTS. (a) In this section, "state or  
 1-58 local authority" means a state or local government authority or  
 1-59 agency or a representative of a state or local government authority  
 1-60 or agency acting in an official capacity.

1-61 (b) If a state or local authority of another state petitions

2-1 the department, the department shall enter into a reciprocal  
2-2 agreement with the state or local authority to facilitate the  
2-3 return of persons committed to mental health facilities in this  
2-4 state to the state of their residence unless the department  
2-5 determines that the terms of the agreement are not acceptable.

2-6 (c) A reciprocal agreement entered into by the department  
2-7 under Subsection (b) must require the department to develop a  
2-8 process for returning persons committed to mental health facilities  
2-9 to their state of residence. The process must:

2-10 (1) provide suitable care for the person committed to  
2-11 a mental health facility;

2-12 (2) use available resources efficiently; and

2-13 (3) consider commitment to a proximate mental health  
2-14 facility to facilitate the return of the committed patient to the  
2-15 patient's state of residence.

2-16 (d) For the purpose of this section, the department shall  
2-17 coordinate, as appropriate, with a mental health facility, a mental  
2-18 hospital, health service providers, courts, and law enforcement  
2-19 personnel located in the geographic area nearest the petitioning  
2-20 state.

2-21 SECTION 4. The change in law made by this Act to Chapter  
2-22 571, Health and Safety Code, applies only to a reciprocal agreement  
2-23 between the state and another entity entered into on or after the  
2-24 effective date of this Act. A reciprocal agreement entered into  
2-25 between the state and another entity before the effective date of  
2-26 this Act is governed by the law in effect on the date the reciprocal  
2-27 agreement was entered into, and the former law is continued in  
2-28 effect for that purpose.

2-29 SECTION 5. This Act takes effect September 1, 2013.

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