

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 9, 2013

TO: Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **SB1842** by Deuell (Relating to restraint and seclusion procedures and reporting at certain facilities.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the restraint and seclusion procedures in Chapter 322 of the Health and Safety Code pertaining to hospitals and mental hospitals (including state-operated mental hospitals) to authorize a registered nurse, other than the nurse who initiated the use of restraint or seclusion, to conduct a face-to-face evaluation of a patient within one hour after the use of restraint and seclusion. The bill would require a physician to conduct a face-to-face evaluation and document clinical justification for continuing use of restraint or seclusion before issuing or renewing an order continuing the use of restraint or seclusion. The bill would require certain facilities to file quarterly reports with the Department of State Health Services (DSHS) regarding use of restraint and seclusion.

State agencies that operate hospitals or mental hospitals including the Department of State Health Services (DSHS), The University of Texas System, and The Texas A&M University System assume any cost to implement the nurse evaluation procedures would have a minimal fiscal impact that could be absorbed within existing resources. It is assumed any cost incurred regarding the physician evaluation could be absorbed within existing resources also.

The quarterly reporting requirement would apply to a child-care institution including a state-operated facility, an intermediate care facility licensed or operated by the Department of Aging and Disability Services (DADS), a mental hospital or mental health facility, a convalescent or nursing home, an assisted living facility, and certain treatment facilities. It is assumed any cost associated with this requirement would be minimal and could be absorbed by DADS, DSHS, the Department of Family and Protective Services, The University of Texas System, and The Texas A&M University System within existing resources. DSHS indicates any costs to receive the quarterly reports would be minimal and can be absorbed within existing resources.

Local Government Impact

The Texas Council of Community Centers reported that no significant fiscal implication to units of local government is anticipated.

Source Agencies: 530 Family and Protective Services, Department of, 537 State Health Services, Department of, 539 Aging and Disability Services, Department of, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

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