

By: Naishtat

H.B. No. 1330

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 adding Subsections (h-1) and (h-2) to read as follows:

(h-1) Notwithstanding any other provision of this section, the state or the county, as appropriate, shall be responsible for the costs of a hearing or proceeding for a patient committed to an inpatient mental health facility described by Section 571.003(9)(B) or (E) if the facility:

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

(A) the state, an entity that contracts with the state, or a local mental health authority to provide services in a local service area; or

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

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

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

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

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

11           SECTION 2. The changes in law made by this Act apply only to  
12 the costs of an emergency detention hearing, a hearing on an  
13 application for court-ordered mental health services, or a hearing  
14 on a motion for an order of protective custody initiated on or after  
15 the effective date of this Act. The costs of an emergency detention  
16 hearing, a hearing on an application for court-ordered mental  
17 health services, or a hearing on a motion for an order of protective  
18 custody initiated before the effective date of this Act are  
19 governed by the law in effect when the hearing was initiated, and  
20 the former law is continued in effect for that purpose.

21           SECTION 3. This Act takes effect September 1, 2015.