

By: Naishtat

H.B. No. 3676

A BILL TO BE ENTITLED

AN ACT

relating to chemical dependency treatment facilities.

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

SECTION 1. Section 462.009(e), Health and Safety Code, is amended to read as follows:

(e) Consent given by a patient or by a person authorized by law to consent to treatment on the patient's behalf for the administration of a medication, therapy, or treatment is valid only if:

(1) for consent to therapy or treatment:

(A) the consent is given voluntarily and without coercive or undue influence; and

(B) before administration of the therapy or treatment, the treating physician or the psychologist, social worker, professional counselor, or chemical dependency counselor explains to the patient and to the person giving consent, in simple, nontechnical language or in writing:

(i) the specific condition to be treated;

(ii) the beneficial effects on that condition expected from the therapy or treatment;

(iii) the probable health and mental health consequences of not consenting to the therapy or treatment;

(iv) the side effects and risks associated with the therapy or treatment;

1 (v) the generally accepted alternatives to
2 the therapy or treatment, if any, and whether an alternative might
3 be appropriate for the patient; and

4 (vi) the proposed course of the therapy or
5 treatment;

6 (2) for consent to the administration of medication:

7 (A) the consent is given voluntarily and without
8 coercive or undue influence; and

9 (B) the treating physician or person delegated by
10 the treating physician or medical director provides each
11 explanation required by Subdivision (1)(B) to the patient and to
12 the person giving consent in simple, nontechnical language; and

13 (3) for consent to medication, therapy, or treatment,
14 the informed consent is evidenced in the patient's clinical record
15 by a signed form prescribed by the commission for this purpose or by
16 a statement of the treating physician or the psychologist, social
17 worker, professional counselor, or chemical dependency counselor
18 who obtained the consent that documents that consent was given by
19 the appropriate person and the circumstances under which the
20 consent was obtained.

21 SECTION 2. Section 462.025(h), Health and Safety Code, is
22 amended to read as follows:

23 (h) In this section:

24 (1) "Admission" means the formal acceptance of a
25 prospective patient to a treatment facility.

26 (2) "Assessment" means the clinical process a
27 treatment facility uses to gather information from a prospective

1 patient, including a medical history and the problem for which the
2 patient is seeking treatment, ~~to determine whether a prospective~~
3 ~~patient should be admitted.~~

4 (3) "Intake" means the administrative process for
5 gathering information about a prospective patient and giving a
6 prospective patient information about the treatment facility and
7 the facility's treatment and services.

8 (4) "Screening" means the process a treatment facility
9 uses to determine whether a prospective patient presents sufficient
10 signs, symptoms, or behaviors to warrant a more in-depth assessment
11 by a qualified professional after a patient is admitted.

12 SECTION 3. This Act takes effect immediately if it receives a vote
13 of two-thirds of all the members elected to each house, as provided
14 by Section 39, Article III, Texas Constitution. If this Act does
15 not receive the vote necessary for immediate effect, this Act takes
16 effect September 1, 2015.