

By: Hughes

H.B. No. 3930

A BILL TO BE ENTITLED

AN ACT

relating to the provision of care and treatment to certain incapacitated persons.

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

SECTION 1. Section 1151.052, Estates Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The guardian of an adult ward who has decision-making ability may apply on the ward's behalf for residential care and services provided by a public or private facility if the ward agrees to be placed in the facility. The guardian shall report the condition of the ward to the court at regular intervals at least annually, unless the court orders more frequent reports. The guardian shall include in a report of an adult ward who is receiving residential care in a public or private residential care facility a statement:

(1) as to the necessity for continued care in the facility; and

(2) on the guardian's compliance with the requirements of Subsection (c).

(c) Before the guardian places an adult ward in a public or private facility as provided by Subsection (b), the guardian must visit the facility. After the ward is placed in the facility, the guardian must:

1 (1) visit the ward at the facility at least once a
2 month, or more often if necessary; and

3 (2) return telephone calls and respond to electronic
4 mail, mail, and other communications regarding the ward from a
5 physician, social worker, attorney, family member, or other care
6 provider or advocate within a reasonable amount of time.

7 SECTION 2. Section 1151.053(c), Estates Code, is amended to
8 read as follows:

9 (c) A guardian of a person may voluntarily admit an
10 incapacitated person to a residential care facility for emergency
11 care or respite care under Section 593.027 or 593.028, Health and
12 Safety Code. A guardian who admits a ward under this subsection
13 shall visit the ward in the facility within a reasonable amount of
14 time of the admission.

15 SECTION 3. Section 1151.054, Estates Code, is amended by
16 amending Subsection (b) and adding Subsection (c) to read as
17 follows:

18 (b) The guardian of the person of a ward who is not a minor
19 and who is under a protective custody order as provided by
20 Subchapter B, Chapter 574, Health and Safety Code, may consent to
21 the administration of psychoactive medication as prescribed by the
22 ward's treating physician after meeting with the ward and the ward's
23 treating physician, regardless of the ward's expressed preferences
24 regarding treatment with psychoactive medication.

25 (c) If a ward has a medication-related emergency, as defined
26 by Section 574.101(2), Health and Safety Code, the physician who
27 administers psychoactive medication in response to that emergency

1 or the physician's designee shall notify the ward's guardian of the
2 decision to administer the psychoactive medication not later than
3 the second business day after the administration.

4 SECTION 4. The changes in law made by this Act apply to a
5 guardianship created before, on, or after the effective date of
6 this Act.

7 SECTION 5. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2015.