

## **BILL ANALYSIS**

C.S.H.B. 1160  
By: Davis, Sarah  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerned parties assert that judges ordering health care for children in the conservatorship of the Department of Family and Protective Services often fail to consult with appropriate health professionals. C.S.H.B. 1160 seeks to address this issue by establishing certain consultation requirements that must be met before a court renders an order requiring or prohibiting specific health care services, procedures, or treatments for such a child.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1160 amends the Family Code to prohibit a court from rendering an order requiring or prohibiting specific health care services, procedures, or treatments, including mental health care services, procedures, or treatments, for a child in the conservatorship of the Department of Family and Protective Services (DFPS) unless the court verifies that a health professional providing services, procedures, or treatments within the scope of practice of the health professional's occupation has been consulted regarding the proposed care and has recommended the proposed care. The bill excludes from this prohibition a court order for emergency medical care, including mental health care, for a child in DFPS conservatorship.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1160 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

SECTION 1. The heading to Chapter 266, Family Code, is amended.

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Same as introduced version.

SECTION 2. Chapter 266, Family Code, is amended by adding Section 266.005 to read as follows:

Sec. 266.005. CONSULTATION FOR MEDICAL CARE. (a) A court may not render an order requiring or prohibiting medical care, including mental health care,

for a child in the conservatorship of the department unless:

(1) the court verifies that a medical or mental health professional, as appropriate, has been consulted regarding the proposed care; and

(2) evidence of the medical or mental health professional's consultation or recommendation is admitted as evidence.

(b) Subsection (a) does not apply to a court order for emergency medical care, including mental health care, for a child in the conservatorship of the department.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 2. Chapter 266, Family Code, is amended by adding Section 266.005 to read as follows:

Sec. 266.005. CONSULTATION FOR HEALTH CARE. (a) A court may not render an order requiring or prohibiting specific health care services, procedures, or treatments, including mental health care services, procedures, or treatments,

for a child in the conservatorship of the department unless the court verifies that a health professional providing services, procedures, or treatments within the scope of practice of the health professional's occupation has been consulted regarding the proposed care and has recommended the proposed care.

(b) Subsection (a) does not apply to a court order for emergency medical care, including mental health care, for a child in the conservatorship of the department.

SECTION 3. Same as introduced version.