

## **BILL ANALYSIS**

S.B. 1238  
By: Johnson  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

There are concerns that requiring a physical or psychiatric examination to be conducted prior to admission of a prospective voluntary patient for treatment in an inpatient mental health facility results in an inability to bill for the examination and can make finding an available physician challenging. S.B. 1238 seeks to address these concerns by changing the time frame within which the examination must be conducted to allow for it to be conducted 24 hours after a person's admission to such a facility.

### **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**

S.B. 1238 amends the Health and Safety Code to change the time frame within which a physical or psychiatric examination must be conducted by an admitting physician or a physician with whom an admitting physician consults in order for a prospective voluntary patient to be formally accepted for treatment in an inpatient mental health facility from within 72 hours of the admission to within 72 hours before admission or 24 hours after admission. The bill requires a person who is admitted to a facility before the performance of such a physical and psychiatric examination to be discharged by the physician immediately if the physician conducting the physical and psychiatric examination determines the person does not meet the clinical standards to receive inpatient mental health services. The bill prohibits a facility that discharges a patient under such circumstances from billing the patient or the patient's third-party payor for the temporary admission of the patient to the inpatient mental health facility. The bill makes provisions authorizing certain persons appointed as the guardian or a managing conservator of a person younger than 18 years of age to request admission of the person to an inpatient mental health facility under certain circumstances applicable to the admission of a minor in the managing conservatorship of the Department of Family and Protective Services to an inpatient mental health facility.

### **EFFECTIVE DATE**

September 1, 2019.