

By: Klick

H.B. No. 3708

A BILL TO BE ENTITLED

AN ACT

relating to conduct that constitutes abuse in certain health care facilities caring for persons with mental illness.

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

SECTION 1. Section 161.131(1), Health and Safety Code, is amended to read as follows:

(1) "Abuse" means an intentional, knowing, reckless, or criminally negligent act or failure to act by an inpatient mental health facility, a treatment facility, or a hospital, or an employee of a facility or hospital, that places a patient or client of the facility or hospital who is a person with mental illness in imminent danger of death, bodily injury, or physical or mental impairment. The term includes a failure to supervise patients or clients and a failure to take reasonable steps to protect patients or clients from the actions of other patients or clients [~~has the meaning assigned by the federal Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. Section 10801 et seq.)~~].

SECTION 2. The change in law made by this Act to Section 161.131, Health and Safety Code, applies only to a duty to report abuse arising from an incident of abuse that occurs on or after the effective date of this Act or to a penalty that may be imposed on a violation of Subchapter L, Chapter 161, Health and Safety Code, involving an incident of abuse that occurs on or after the effective

1 date of this Act. For purposes of an incident of abuse that  
2 occurred before the effective date of this Act, the duty to report  
3 the abuse and a penalty that may be imposed on a violation involving  
4 the abuse are governed by the law in effect at the time the incident  
5 of abuse occurred.

6 SECTION 3. This Act takes effect September 1, 2019.