

By: Johnson  
(Rose)

S.B. No. 1238

A BILL TO BE ENTITLED

AN ACT

relating to the admission, examination, and discharge of a person  
for voluntary mental health services.

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

SECTION 1. Section 572.0025, Health and Safety Code, is  
amended by amending Subsections (f) and (g) and adding Subsections  
(f-1), (f-2), and (f-3) to read as follows:

(f) A prospective voluntary patient may not be formally  
accepted for treatment in a facility unless:

(1) the facility has a physician's order admitting the  
prospective patient, which order may be issued orally,  
electronically, or in writing, signed by the physician, provided  
that, in the case of an oral order or an electronically transmitted  
unsigned order, a signed original is presented to the mental health  
facility within 24 hours of the initial order; the order must be  
from:

(A) an admitting physician who has, either in  
person or through the use of audiovisual or other  
telecommunications technology, conducted a physical and  
psychiatric examination within:

(i) 72 hours before [of the] admission; or

(ii) 24 hours after admission; or

(B) an admitting physician who has consulted with  
a physician who has, either in person or through the use of

1 audiovisual or other telecommunications technology, conducted an  
2 examination within:

3 (i) 72 hours before [of the] admission; or

4 (ii) 24 hours after admission; and

5 (2) the facility administrator or a person designated  
6 by the administrator has agreed to accept the prospective patient  
7 and has signed a statement to that effect.

8 (f-1) A person who is admitted to a facility before the  
9 performance of the physical and psychiatric examination required by  
10 Subsection (f) must be discharged by the physician immediately if  
11 the physician conducting the physical and psychiatric examination  
12 determines the person does not meet the clinical standards to  
13 receive inpatient mental health services.

14 (f-2) A facility that discharges a patient under the  
15 circumstances described by Subsection (f-1) may not bill the  
16 patient or the patient's third-party payor for the temporary  
17 admission of the patient to the inpatient mental health facility.

18 (f-3) Sections 572.001(c) and (c-2) apply to the admission  
19 of a minor in the managing conservatorship of the Department of  
20 Family and Protective Services to an inpatient mental health  
21 facility.

22 (g) An assessment conducted as required by rules adopted  
23 under this section does not satisfy a statutory or regulatory  
24 requirement for a personal evaluation of a patient or a prospective  
25 patient by a physician [~~before admission~~].

26 SECTION 2. This Act takes effect September 1, 2019.