

By: Johnson

S.B. No. 1238

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the admission, examination, and discharge of a person
3 for voluntary mental health services.

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

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

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

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

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

21 (i) 72 hours before [of the] admission; or
22 (ii) 24 hours after admission; or

23 (B) an admitting physician who has consulted with
24 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 if the physician
11 conducting the physical and psychiatric examination determines the
12 person does not meet the clinical standards to receive inpatient
13 mental health services.

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

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