

1-1 By: Johnson S.B. No. 1238
1-2 (In the Senate - Filed February 27, 2019; March 7, 2019,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; April 1, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 1, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1238 By: Johnson

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the admission, examination, and discharge of a person
1-22 for voluntary mental health services.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 572.0025, Health and Safety Code, is
1-25 amended by amending Subsections (f) and (g) and adding Subsections
1-26 (f-1), (f-2), and (f-3) to read as follows:

1-27 (f) A prospective voluntary patient may not be formally
1-28 accepted for treatment in a facility unless:

1-29 (1) the facility has a physician's order admitting the
1-30 prospective patient, which order may be issued orally,
1-31 electronically, or in writing, signed by the physician, provided
1-32 that, in the case of an oral order or an electronically transmitted
1-33 unsigned order, a signed original is presented to the mental health
1-34 facility within 24 hours of the initial order; the order must be
1-35 from:

1-36 (A) an admitting physician who has, either in
1-37 person or through the use of audiovisual or other
1-38 telecommunications technology, conducted a physical and
1-39 psychiatric examination within:

1-40 (i) 72 hours before ~~of the~~ admission; or

1-41 (ii) 24 hours after admission; or

1-42 (B) an admitting physician who has consulted with
1-43 a physician who has, either in person or through the use of
1-44 audiovisual or other telecommunications technology, conducted an
1-45 examination within:

1-46 (i) 72 hours before ~~of the~~ admission; or

1-47 (ii) 24 hours after admission; and

1-48 (2) the facility administrator or a person designated
1-49 by the administrator has agreed to accept the prospective patient
1-50 and has signed a statement to that effect.

1-51 (f-1) A person who is admitted to a facility before the
1-52 performance of the physical and psychiatric examination required by
1-53 Subsection (f) must be discharged by the physician immediately if
1-54 the physician conducting the physical and psychiatric examination
1-55 determines the person does not meet the clinical standards to
1-56 receive inpatient mental health services.

1-57 (f-2) A facility that discharges a patient under the
1-58 circumstances described by Subsection (f-1) may not bill the
1-59 patient or the patient's third-party payor for the temporary
1-60 admission of the patient to the inpatient mental health facility.

2-1 (f-3) Sections 572.001(c) and (c-2) apply to the admission
2-2 of a minor in the managing conservatorship of the Department of
2-3 Family and Protective Services to an inpatient mental health
2-4 facility.

2-5 (g) An assessment conducted as required by rules adopted
2-6 under this section does not satisfy a statutory or regulatory
2-7 requirement for a personal evaluation of a patient or a prospective
2-8 patient by a physician [~~before admission~~].

2-9 SECTION 2. This Act takes effect September 1, 2019.

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