

BILL ANALYSIS

C.S.H.B. 3125
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County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Certain patients and hospitals incur filing fees or other costs for mental health hearings and court proceedings. It has been reported that these fees are often not reimbursed, creating a cost for either the patient or the hospital. C.S.H.B. 3125 seeks to address this issue by providing for the refund of court costs to an inpatient mental health facility under certain circumstances.

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

C.S.H.B. 3125 amends the Health and Safety Code to revise the circumstances under which a probate court judge is required to order the court clerk to refund court costs paid or advanced for a person by an inpatient mental health facility to include the filing of an affidavit with the court clerk certifying the following:

- the facility provided treatment for the person under a contract with a local mental health authority; or
- the facility provided treatment for the person and the person is eligible for Medicaid benefits.

C.S.H.B. 3125 repeals Section 571.018(h), Health and Safety Code, which prohibits the state or a county from paying any costs for a patient committed to a private mental hospital unless a public facility is not available and, if appropriate, the commissioners court of the county authorizes the payment.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3125 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions in the original removing a county's entitlement to reimbursement for certain costs from a patient and removing a county's authority to require a person to pay any costs associated with a hearing or proceeding if the county first determines that the costs relate to services provided or to be provided in a private mental hospital.

The substitute includes provisions not in the original to require the judge of a probate court to refund court costs to an inpatient mental health facility under additional specified circumstances.