

## **BILL ANALYSIS**

C.S.H.B. 1857  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, an individual with a chemical dependency may be subject to court-ordered treatment at an applicable facility for no more than 90 days. However, there is no mention of the minimum number of days that such an individual must be ordered to attend a treatment facility, meaning that courts have discretion to require only a short stay, which may make the treatment less effective. C.S.H.B. 1857 seeks to address this issue by enacting the Anell Borrego Act, which sets 60 days as the minimum duration of court-ordered treatment for chemical dependency. The goal of the bill is to ensure that the individual receives the proper attention and treatment for their chemical dependency, strengthen the rehabilitation process, and help prevent individuals from relapsing into chemical dependence.

### **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. 1857 amends the Health and Safety Code to set 60 days as the minimum duration of an order for court-ordered treatment of a qualifying person with a chemical dependency and, if applicable, a renewal of such an order. The bill expands the grounds on which a treatment facility administrator may discharge a patient before the court order for the treatment expires to include a determination by the physician treating the patient that the patient no longer meets the criteria for court-ordered treatment. In provisions requiring that a treatment facility to which a court commits a person with a chemical dependency be approved to accept court commitments, the bill replaces references to the Department of State Health Services (DSHS) as the approving agency with references to the Health and Human Services Commission (HHSC) to reflect the fact that HHSC is now responsible for oversight of chemical dependency treatment facilities pursuant to a restructuring of the Health and Human Services system.

C.S.H.B. 1857 changes the requirements for a certificate of medical examination for chemical dependency filed for the purpose of a hearing on court-ordered treatment. Current law requires such a certificate to include the examining physician's opinions whether the proposed patient is a person with a chemical dependency and whether any of the following conditions apply:

- the person is likely to cause serious harm to the person;
- the person is likely to cause serious harm to others; or

- the person will continue to suffer abnormal mental, emotional, or physical distress and to deteriorate in ability to function independently if not treated and is unable to make a rational and informed choice as to whether or not to submit to treatment.

The bill requires instead that the certificate include the examining physician's opinion that the proposed patient is a person with a chemical dependency and that, as a result of the chemical dependency, one of those conditions applies.

C.S.H.B. 1857 applies only to an application for court-ordered treatment for chemical dependency that is filed on or after the bill's effective date.

### **EFFECTIVE DATE**

September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 1857 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions that were not in the introduced that do the following:

- revise the requirements for a certificate of medical examination for chemical dependency with respect to the nature of the examining physician's opinions; and
- authorize a facility administrator to discharge a patient before the court order for their treatment expires if the physician treating the patient determines that the patient no longer meets the criteria for court-ordered treatment.

The substitute replaces references to DSHS with references to HHSC in provisions relating to the approval of treatment facilities to which persons with chemical dependency are sent for court-ordered treatment, whereas the introduced did not do so.