

BILL ANALYSIS

Senate Research Center
88R22084 MPF-F

H.B. 4085
By: Spiller; Allison (Perry)
State Affairs
5/10/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 4085 amends current law relating to the payment by the state or a county of costs for certain mental health hearings or proceedings.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 571.018(h) and (j), Health and Safety Code, as follows:

(h) Prohibits the state or a county from paying any costs for a patient committed to a private mental hospital, other than a filing fee or other cost associated with a hearing or proceeding under Subtitle C (Texas Mental Health Code) with certain exceptions.

(j) Requires the judge of a court conducting a hearing or proceeding under this subtitle to order the clerk of the court to refund court costs paid or advanced for a person by an inpatient mental health facility as defined under Section 571.003(9)(A) (relating to operating a mental health facility by the Department of State Health Services (DSHS)), (B) (relating to licensing a private mental hospital by DSHS), (D) (relating to operating a local mental health authority or facility under contract with a local mental health authority), or (E) (relating to licensing an identifiable part of a general hospital in which diagnosis, treatment, and care for persons with mental illness by DSHS) on the filing of an affidavit with the clerk of the court certifying that the facility has received no compensation or reimbursement for the treatment of the person, 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 only received reimbursement under Medicaid. Deletes existing text requiring the judge of the probate court, when an inpatient mental health facility as defined under Section 571.003(9)(B) or (E) files an affidavit with the clerk of the court certifying that it has received no compensation or reimbursement for the treatment of a person for whom court costs have been paid or advanced, to order the clerk of the court to refund the costs.

SECTION 2. Effective date: September 1, 2023.