88R15762 MPF-D

By:  Gervin-Hawkins, Gates, et al. H.B. No. 2149

Substitute the following for H.B. No. 2149:

By:  Klick C.S.H.B. No. 2149

A BILL TO BE ENTITLED

AN ACT

relating to notice of rights provided to a patient receiving inpatient mental health, chemical dependency, or comprehensive medical rehabilitation services at certain facilities.

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

SECTION 1.  Section 321.001, Health and Safety Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b) "Facility" means an inpatient facility at which voluntary or involuntary mental health, chemical dependency, or comprehensive medical rehabilitation services are provided, including a:

(A)  child-care facility;

(B)  hospital;

(C)  mental health facility; and

(D)  treatment facility.

SECTION 2.  Section 321.002, Health and Safety Code, is amended by amending Subsections (f), (g), and (h) and adding Subsection (f-1) to read as follows:

(f)  Before a facility may admit a patient for inpatient mental health, chemical dependency, or comprehensive medical rehabilitation services, or before a child-care facility may accept a minor for treatment, the facility shall provide to the person and, if appropriate, to the person's parent, managing conservator, or guardian, a written copy of the applicable "bill of rights" adopted under this section.  The facility shall provide the written copies in the person's primary language[~~, if possible~~].  In addition, the facility shall ensure that[~~, within 24 hours after the person is admitted to the facility,~~] the rights specified in the written copy are explained to the person and, if appropriate, to the person's parent, managing conservator, or guardian:

(1)  orally, in simple, nontechnical terms in the person's primary language[~~, if possible~~]; or

(2)  through a means reasonably calculated to communicate with a person who has an impairment of vision or hearing, if applicable.

(f-1)  The oral and written communication required by Subsection (f) must be provided on two separate days as follows:

(1)  if English is the patient's primary language:

(A)  at the time the patient is admitted to the facility; and

(B)  not later than the third day after the date the patient is admitted to the facility; or

(2)  if English is not the patient's primary language:

(A)  not later than 24 hours after the patient is admitted to the facility; and

(B)  not later than the third day after the date the patient is admitted to the facility.

(g)  The facility shall ensure that:

(1)  each patient admitted for inpatient mental health, chemical dependency, or comprehensive rehabilitation services and each minor admitted for treatment in a child-care facility and, if appropriate, the person's parent, managing conservator, or guardian signs each [~~a~~] copy of the document stating that the person has read the document and understands the rights specified in the document; and

(2)  the signed copies are [~~copy is~~] made a part of the person's clinical record.

(h)  A facility shall prominently and conspicuously post a copy of the "bill of rights" for display in a public area of the facility that is readily available to patients, residents, employees, and visitors.  The "bill of rights" must:

(1)  include the name and contact information of the person with whom a complaint regarding a violation of the rights provided by this chapter, Subtitle C of Title 7, Chapters 241, 462, 464, and 466, and any other provisions the executive commissioner considers necessary to protect the health, safety, and rights of a patient receiving voluntary or involuntary mental health, chemical dependency, or comprehensive medical rehabilitation services in an inpatient facility may be filed; and

(2)  be in English and in a second language appropriate to the demographic composition of the community served by the facility.

SECTION 3.  Section 576.009, Health and Safety Code, is amended to read as follows:

Sec. 576.009.  NOTIFICATION OF RIGHTS.  A patient receiving involuntary inpatient mental health services shall be informed of the rights provided by this subtitle:

(1)  through a poster displayed in the mental health facility in the manner provided by Section 321.002(h); and

(2)  either:

(A)  orally, in simple, nontechnical terms, and in writing in the manner provided by Section 321.002(f-1) [~~that, if possible, is in the person's primary language~~]; or

(B) [~~(2)~~]  through the use of a means reasonably calculated to communicate with a hearing impaired or visually impaired person, if applicable.

SECTION 4.  The changes in law made by this Act apply only to a patient's admittance to a facility for inpatient mental health, chemical dependency, or comprehensive medical rehabilitation services on or after the effective date of this Act.  A patient's admittance to a facility for mental health, chemical dependency, or comprehensive medical rehabilitation services before the effective date of this Act is governed by the law in effect on the date the patient was admitted, and the former law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2023.