H.B. No. 4085

AN ACT

relating to the payment by the state or a county of costs for certain mental health hearings or proceedings.

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

SECTION 1.  Sections 571.018(h) and (j), Health and Safety Code, are amended to read as follows:

(h)  The state or a county may not pay 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 this subtitle, unless:

(1)  a public facility is not available; and

(2)  the commissioners court of the county authorizes the payment, if appropriate.

(j)  The judge of a court conducting a hearing or proceeding under this subtitle shall order the clerk of the court to refund court costs paid or advanced for a person by [~~When~~] an inpatient mental health facility as defined under Section 571.003(9)(A), (B), (D), or (E) on the filing of [~~571.003(9)(B) or (E) files~~] an affidavit with the clerk of the court certifying that:

(1)  the facility has received no compensation or reimbursement for the treatment of the person;

(2)  the facility provided treatment for the person under a contract with a local mental health authority; or

(3)  the facility provided treatment for the person and only received reimbursement under Medicaid [~~it has received no compensation or reimbursement for the treatment of a person for whom court costs have been paid or advanced, the judge of the probate court shall order the clerk of the court to refund the costs~~].

SECTION 2.  This Act takes effect September 1, 2023.

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    President of the Senate Speaker of the House

I certify that H.B. No. 4085 was passed by the House on May 3, 2023, by the following vote:  Yeas 145, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4085 was passed by the Senate on May 21, 2023, by the following vote:  Yeas 28, Nays 3.

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Secretary of the Senate

APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

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                  Governor