

By: A. Johnson of Harris, Jetton, Garcia,
Campos

H.B. No. 4091

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a request for admission to a specialty inpatient
3 stabilization treatment program by the Department of Family and
4 Protective Services of certain minors in the managing
5 conservatorship of the department.

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

7 SECTION 1. Section 572.001, Health and Safety Code, is
8 amended by amending Subsection (c-2) and adding Subsections (c-5),
9 (c-6), (c-7), and (c-8) to read as follows:

10 (c-2) The Department of Family and Protective Services may
11 request the admission to an inpatient mental health facility of a
12 minor in the managing conservatorship of that department only if:

13 (1) a physician states the physician's opinion, and
14 the detailed reasons for that opinion, that the minor is a person:

15 (A) [~~(1)~~] with mental illness or who
16 demonstrates symptoms of a serious emotional disorder; and

17 (B) [~~(2)~~] who presents a risk of serious harm to
18 self or others if not immediately restrained or hospitalized; or

19 (2) for a minor who is at least 13 years of age and not
20 older than 17 years of age, a court, after reviewing any relevant
21 evidence, including a physician's opinion and detailed reasons for
22 that opinion, determines that the minor is a person whose mental
23 health has deteriorated to the point where the minor would benefit
24 from admission into a specialty inpatient stabilization treatment

1 program designed specifically to meet the mental health needs of
2 minors who need further treatment to successfully transition into a
3 residential treatment program or another less restrictive foster
4 care setting.

5 (c-5) The admission of a minor to a specialty inpatient
6 stabilization treatment program under Subsection (c-2) is subject
7 to review by a court under Section 263.002, Family Code.

8 (c-6) If a minor is or may be placed in a specialty
9 stabilization treatment program under Subsection (c-2), the court
10 shall determine whether:

11 (1) the child's needs can be met through placement in a
12 family-like setting;

13 (2) the placement can provide the most effective and
14 appropriate level of care for the child; and

15 (3) the placement is the least restrictive setting
16 consistent with the child's best interest and individual needs.

17 (c-7) In making a determination under Subsection (c-6), the
18 court may consider:

19 (1) medical, psychological, or psychiatric
20 assessments;

21 (2) the child's current treatment plan and progress
22 made under that plan;

23 (3) any significant medical, legal, or behavioral
24 incidents involving the child;

25 (4) the reasons for the child's discharge from any
26 previous placement or the child's current placement;

27 (5) the programs available at the facility to address

1 the child's needs;

2 (6) the facility's plan to discharge the child after
3 treatment;

4 (7) whether other programs may meet the child's needs
5 more effectively; and

6 (8) any other information that would assist the court
7 in making its determination.

8 (c-8) Not later than December 1 of each year, the Department
9 of Family and Protective Services shall submit a report to the
10 governor, lieutenant governor, and speaker of the house of
11 representatives regarding the admission of minors to a specialty
12 inpatient stabilization treatment program under Subsection (c-2),
13 including:

14 (1) the number of total minors admitted to the
15 program;

16 (2) which courts decided to admit a minor to the
17 program;

18 (3) the location of each program where a minor was
19 admitted; and

20 (4) the outcomes of minors admitted to each facility,
21 including:

22 (A) the number of minors served;

23 (B) the average length of inpatient admission;

24 (C) the outcomes of minors discharged from the
25 program; and

26 (D) any recommendations to improve the program.

27 SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2023.