

By: Gervin-Hawkins

H.B. No. 473

A BILL TO BE ENTITLED

AN ACT

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

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

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

(a) This section applies to:

(1) 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; and

(2) a child-care facility at which treatment is provided to minors for emotional, mental health, or chemical dependency problems.

(a-1) The executive commissioner by rule shall adopt a "patient's bill of rights" that includes the applicable rights included in 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

1 patient receiving voluntary or involuntary mental health, chemical
2 dependency, or comprehensive medical rehabilitation services in an
3 inpatient facility. In addition, the executive commissioner shall
4 adopt rules that:

5 (1) provide standards to prevent the admission of a
6 minor to a facility for treatment of a condition that is not
7 generally recognized as responsive to treatment in an inpatient
8 treatment setting; and

9 (2) prescribe the procedure for presenting the
10 applicable bill of rights and obtaining each necessary signature
11 if:

12 (A) the patient cannot comprehend the
13 information because of illness, age, or other factors; or

14 (B) an emergency exists that precludes immediate
15 presentation of the information.

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

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

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

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

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

9 (A) at the time the patient is admitted to the
10 facility or accepted by the facility for treatment; and

11 (B) not later than the third day after the date
12 the patient is admitted to the facility or accepted by the facility
13 for treatment; or

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

15 (A) not later than 24 hours after the patient is
16 admitted to the facility or accepted by the facility for treatment;
17 and

18 (B) not later than the third day after the date
19 the patient is admitted to the facility or accepted by the facility
20 for treatment.

21 (g) The facility shall ensure that:

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

1 rights specified in the document; and

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

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

8 (1) include the name and contact information of the
9 person with whom a complaint regarding a violation of the rights
10 provided by this chapter, Subtitle C of Title 7, Chapters 241, 462,
11 464, and 466, and any other provisions the executive commissioner
12 considers necessary to protect the health, safety, and rights of a
13 patient of a facility to which this section applies may be filed;
14 and

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

18 SECTION 2. Section 576.009, Health and Safety Code, is
19 amended to read as follows:

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

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

25 (2) either:

26 (A) orally, in simple, nontechnical terms, and in
27 writing in the manner provided by Section 321.002(f-1) [~~that, if~~

1 ~~possible, is in the person's primary language]; or~~

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

5 SECTION 3. The changes in law made by this Act apply only to
6 a patient admitted to a facility for inpatient mental health,
7 chemical dependency, or comprehensive medical rehabilitation
8 services or a minor accepted by a child-care facility to receive
9 treatment for an emotional, mental health, or chemical dependency
10 problem on or after the effective date of this Act. A patient
11 admitted to a facility for mental health, chemical dependency, or
12 comprehensive medical rehabilitation services or a minor accepted
13 by a child-care facility to receive treatment for an emotional,
14 mental health, or chemical dependency problem before the effective
15 date of this Act is governed by the law in effect on the date the
16 patient was admitted or minor was accepted, and the former law is
17 continued in effect for that purpose.

18 SECTION 4. This Act takes effect September 1, 2025.