

BILL ANALYSIS

Senate Research Center

H.B. 911
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Health & Human Services
4-28-97
Engrossed

DIGEST

Recently, tuberculosis (TB), a highly infectious airborne disease, has become epidemic in Texas. Cases in Texas have risen 44 percent since a historical low point in 1987. In 1994, 2,542 cases were reported, which is a significant increase over the reported cases in the last two decades. A small percentage of the TB cases in Texas pose a significant threat to the public health, particularly cases in which an individual is afflicted with a strain of TB that is resistant to two or more drug treatments and cases in which an individual is unwilling or unable to comply with prescribed therapy. To deal with these exceptional cases, the law provides for court-ordered disease management; however, there are inconsistencies and conflicts with the current statute, and only about one percent of TB cases are managed by court order each year. H.B. 911 streamlines the process for court-ordered management of hard-to-treat TB cases and clarifies the manner in which the state is to be reimbursed for court costs associated with those cases.

PURPOSE

As proposed, H.B. 911 provides for the management of persons with communicable diseases.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 81.151(a) and (d), Health and Safety Code, to require, rather than authorize, certain attorneys, at the request of the health authority, rather than the Texas Department of Health (department), to file a sworn written application for a court order for the management of a person with a communicable disease. Requires the attorney general, at the request of the department, to file a sworn written application for a court order for the management of a person with a communicable disease. Provides that a copy of the written orders made under Section 81.083 need not be filed with an application for outpatient treatment.

SECTION 2. Amends Section 81.152(c), Health and Safety Code, to require any application to contain certain information, including a statement, to be included only in an application for inpatient treatment, that the person fails or refuses to comply with certain written orders of the department or health authority.

SECTION 3. Amends Sections 81.154(a) and (c), Health and Safety Code, to require the judge or a magistrate to set a date for a hearing to be held within 14 days after the date on which the application is served on the person, rather than filed. Makes conforming changes.

SECTION 4. Amends Sections 81.156(a) and (b), Health and Safety Code, to authorize the person's attorney to request information from the attorney general or certain other attorneys, as appropriate. Makes conforming changes.

SECTION 5. Amends Section 81.157, Health and Safety Code, to require a proceeding under this chapter to be held in a district court of the county in which the person is found, resides, or is receiving court-ordered health services. Sets forth the terms by which the county in which the temporary order was issued is required to pay the expenses of transporting the person back to the county for the

hearing, and provides exceptions.

SECTION 6. Amends Section 81.159, Health and Safety Code, as follows:

Sec. 81.159. New heading: DESIGNATION OF FACILITY. Deletes the provisions regarding a facility's filing of a recommendation for treatment. Makes conforming changes.

SECTION 7. Amends Section 81.161(b), Health and Safety Code, to require the motion to be filed by the attorney general at the request of the department. Makes a conforming change.

SECTION 8. Amends Section 81.167(c), Health and Safety Code, to authorize, rather than prohibit, a person under a protective custody order to be detained in a nonmedical facility used to detain persons who are charged with or convicted of a crime only under certain circumstances. Prohibits the person from being detained in a nonmedical facility for longer than a certain period. Deletes the provision regarding an extreme emergency.

SECTION 9. Amends Section 81.170(f), Health and Safety Code, to require the jury to determine if the person is infected with a communicable disease and, if the application is for inpatient treatment, has refused or failed to follow the health authority's orders.

SECTION 10. Amends Section 81.171(a), Health and Safety Code, to make a conforming change.

SECTION 11. Amends Section 81.172, Health and Safety Code, by amending Subsection (a), and adding Subsection (e), to require the department, with the cooperation of the head of the facility, to submit to the court a general program of treatment by a certain date. Makes conforming changes.

SECTION 12. Amends Section 81.173, Health and Safety Code, by amending Subsection (a), and adding Subsection (e), to make conforming changes.

SECTION 13. Amends Section 81.174(a), Health and Safety Code, to make a conforming change.

SECTION 14. Amends Section 81.179(a), Health and Safety Code, to require the court to order, rather than authorizing the court to authorize, the sheriff or constable to transport the person to the designated health care facility.

SECTION 15. Amends Section 81.182(a), Health and Safety Code, to set forth the terms by which certain attorneys and the attorney general are required to request the court that entered the commitment order to modify the order to provide for outpatient care. Deletes existing text authorizing the health authority, department, or head of a facility to which a person is committed to request modification of the order.

SECTION 16. Amends Section 81.183(a), Health and Safety Code, to make conforming changes.

SECTION 17. Amends Section 81.184(a), Health and Safety Code, to set forth the procedure for filing a sworn application for a person's temporary detention pending a modification hearing. Deletes existing text authorizing the health authority, department, or head of an outpatient facility in which the person receives treatment to file a sworn application for the person's temporary detention.

SECTION 18. Amends Section 81.187(a), Health and Safety Code, to set forth the procedure for filing an order for extended management. Deletes existing text authorizing certain attorneys or the department to do the same.

SECTION 19. Amends Chapter 81G, Health and Safety Code, by adding Section 81.210, as follows:

Sec. 81.210. COSTS. Requires a county to pay the costs for a hearing or proceeding under

certain circumstances. Sets forth the fees and expenses included as costs under this section. Provides that a county is entitled to reimbursement for costs actually paid by the county from certain persons. Requires the department to pay the costs of returning a person absent without authorization unless the person is able to pay the costs.

SECTION 20. Makes application of this Act prospective.

SECTION 21. Emergency clause.
Effective date: upon passage.