

BILL ANALYSIS

Senate Research Center

S.B. 434
By: Harris
Health & Human Services
2-14-97
As Filed

DIGEST

Currently, confusion exists regarding enforcement of regulations as they apply to free-standing psychiatric hospitals and wings or units of acute care hospitals providing psychiatric services. Presently, the Texas Department of Health enforces regulations developed by the Texas Department of Mental Health and Mental Retardation (TXMHMR). This legislation directs the Health and Human Services Commission to coordinate the development and enforcement of these regulations. In addition, S.B. 434 creates an advisory committee on inpatient mental health services to advise the Texas Board of Mental Health and Mental Retardation and TXMHMR in the consideration and adoption of policies and regulations.

PURPOSE

As proposed, S.B. 434 provides for a review of agency rulemaking by the Health and Human Services Commission relating to mental health services in certain facilities; and creates an advisory committee on inpatient mental health services.

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 Section 531.034, Government Code, by adding Subsection (d), to require the Health and Human Services Commission (commission) to require the Texas Department of Health (TDH) and the Texas Department of Mental Health and Mental Retardation (TXMHMR) to coordinate the development of proposed rules and policies, and the enforcement of adopted rules and policies, relating to inpatient mental health facility services included within the scope of Sections 571.003(9)(B) and (E), Health and Safety Code. Requires the commission to review these activities to determine compliance by TDH and TXMHMR.

SECTION 2. Amends Chapter 571, Health and Safety Code, by adding Section 571.027, as follows:

Sec. 571.027. **ADVISORY COMMITTEE ON INPATIENT MENTAL HEALTH SERVICES.** Requires the Texas Board of Mental Health and Mental Retardation (board) to appoint a nine-member advisory committee for the purpose of advising and assisting the board and TXMHMR in the promulgation and adoption of departmental policies and regulations relating to inpatient mental health facility services included within the scope of Sections 571.003(9)(B) and (E). Sets forth the composition, terms, and meeting times of the advisory committee and its members.

SECTION 3. Sets forth the terms by which, as soon as practicable after the effective date of this Act, the board is required to appoint nine initial members of the advisory committee; and by which the members are required to draw lots to determine the length of their terms.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.