

BILL ANALYSIS

Senate Research Center
78R10623 SMJ-F

H.B. 21
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Health & Human Services
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Engrossed

DIGEST AND PURPOSE

Currently, under Texas law a parent or guardian of a minor older than 15 may not request admission of the minor to an inpatient mental health facility without the minor's consent. H.B. 21 would allow a parent or guardian of a minor between the ages of 16 and 18 to request that a child with mental health needs be admitted to an inpatient mental health facility.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Mental Health and Mental Retardation in SECTION 3 (Section 572.003, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 572.001(a) and (c), Health and Safety Code, as follows:

(a) Changes from less than 16 to less than 18 the maximum age of a minor for whom a parent, managing conservator or guardian may request the admission of the minor to an inpatient mental health facility.

(c) Changes from less than 16 to less than 18 the maximum age of a minor for whom a person or agency appointed as guardian or a managing conservator of a minor acting as an agent of the state may request admission of the person without the person's consent.

SECTION 2. Amends Section 572.002, Health and Safety Code, to make a conforming change.

SECTION 3. Amends Section 572.003, Health and Safety Code, by adding Subsection (e), as follows:

(e) Provides that in addition to the rights provided by this subtitle, a person voluntarily admitted to an inpatient mental health facility under Section 572.002 (3)(B) has a right to be evaluated by a physician at regular intervals to determine the person's need for continued treatment. Requires the Texas Department of Mental Health and Mental Retardation by rule to establish the interval guidelines.

SECTION 4. Amends Section 572.004, Health and Safety Code, by adding Subsection (i) to require a facility, on receipt of a written request for discharge from a patient admitted under Section 572.002(3)(B), to notify the patient's parent, managing conservator, or guardian of the request.

SECTION 5. Effective date: upon passage or September 1, 2003.