

- SUBJECT:** Allowing mental health treatment forms to be notarized
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 9 ayes — Price, Sheffield, Arévalo, Burkett, Cortez, Guerra, Klick, Oliverson, Zedler
- 0 nays
- 2 absent — Coleman, Collier
- WITNESSES:** For — Craig Hopper, State Bar of Texas Real Estate Probate and Trust Law Section (REPTL); (*Registered, but did not testify*: Christine Yanas, Methodist Healthcare Ministries; Marilyn Hartman, National Alliance on Mental Illness (NAMI) Austin; Greg Hansch, NAMI Texas)
- Against — None
- BACKGROUND:** Under Civil Practice and Remedies Code, ch. 137, a person may execute a declaration for mental health treatment, which outlines preferences for use of convulsive treatment, psychoactive medications, and emergency treatments in the event that a court determined the person's capacity to make mental health treatment decisions was impaired. The declaration form must be signed in front of at least two subscribing witnesses. A witness may not be the person's health care provider, operator of a facility providing care to the person, related to the person by blood, marriage or adoption, entitled to any part of the person's estate after death, or have any part of a claim to the person's estate.
- Some observers have suggested the code could be updated to provide another option for persons seeking to execute a declaration for mental health treatment.
- DIGEST:** HB 1787 would allow a person to execute a declaration for mental health treatment if the declaration form was signed by the person and acknowledged before a notary public.

The bill would take effect September 1, 2017, and would apply to a declaration executed on or after that date.

NOTES: A companion bill, SB 819 by Rodríguez, was referred to the Senate Committee on Health and Human Services on February 27.