

SENATE AMENDMENTS

2nd Printing

By: Naishtat

H.B. No. 1829

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the transfer to a mental hospital of a person admitted
3 to a facility for emergency detention.

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

5 SECTION 1. Section 573.022, Health and Safety Code, is
6 amended by adding Subsection (c) to read as follows:

7 (c) A facility that has admitted a person for emergency
8 detention under Subsection (a) or to which a person has been
9 transported under Subsection (b) may transfer the person to an
10 appropriate mental hospital with the written consent of the
11 hospital administrator.

12 SECTION 2. This Act takes effect September 1, 2011.

ADOPTED

MAY 10 2011

Atty. Gen.
Secretary of the Senate

By: NAISHTAT

H.B. No. 1829

Substitute the following for H.B. No. 1829:

By: W. Nelson

C.S.H.B. No. 1829

A BILL TO BE ENTITLED

1 AN ACT
2 relating to an application for emergency detention and to the
3 transfer to a mental hospital of a person admitted for emergency
4 detention.

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

6 SECTION 1. Section 573.012, Health and Safety Code, is
7 amended by adding Subsection (h-1) to read as follows:

8 (h-1) After the presentation of an application under
9 Subsection (h), the judge or magistrate may transmit a warrant to
10 the applicant electronically, if a digital signature, as defined by
11 Article 2.26, Code of Criminal Procedure, is transmitted with the
12 document.

13 SECTION 2. Section 573.022, Health and Safety Code, is
14 amended by adding Subsection (c) to read as follows:

15 (c) A facility that has admitted a person for emergency
16 detention under Subsection (a) or to which a person has been
17 transported under Subsection (b) may transfer the person to an
18 appropriate mental hospital with the written consent of the
19 hospital administrator.

20 SECTION 3. This Act takes effect September 1, 2011.

ADOPTED

MAY 10 2011

Atay Spaw
Secretary of the Senate

BY:

Juan Luis Jr.

FLOOR AMENDMENT NO. 1

1 Amend C.S.H.B. No. 1829 (senate committee printing) by
2 striking SECTION 1 of the bill and substituting the following:

3 SECTION 1. Section 573.012, Health and Safety Code, is
4 amended by amending Subsection (h) and adding Subsection (h-1) to
5 read as follows:

6 (h) A judge or magistrate may permit an applicant who is a
7 physician to present an application by:

8 (1) e-mail with the application attached as a secure
9 document in a portable document format (PDF); or

10 (2) secure electronic means, including:

11 (A) satellite transmission;

12 (B) [T] closed-circuit television
13 transmission; [T] or

14 (C) any other method of two-way electronic
15 communication that:

16 (i) [~~1~~] is secure;

17 (ii) [~~2~~] is available to the judge or
18 magistrate; and

19 (iii) [~~3~~] provides for a simultaneous,
20 compressed full-motion video and interactive communication of
21 image and sound between the judge or magistrate and the applicant.

22 (h-1) After the presentation of an application under
23 Subsection (h), the judge or magistrate may transmit a warrant to
24 the applicant:

25 (1) electronically, if a digital signature, as defined
26 by Article 2.26, Code of Criminal Procedure, is transmitted with
27 the document; or

28 (2) by e-mail with the warrant attached as a secure
29 document in a portable document format (PDF), if the identifiable

- 1 legal signature of the judge or magistrate is transmitted with the
- 2 document.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 13, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1829 by Naishtat (Relating to an application for emergency detention and to the transfer to a mental hospital of a person admitted for emergency detention.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend Subsection H and add Subsection H-1 to Section 573.012 of the Health and Safety Code to allow an applicant who is a physician to present an application for emergency detention by email with certain specifications and would allow a judge or magistrate to transmit a warrant electronically or by email with certain specifications to an applicant, who is a physician. No fiscal impact is anticipated as a result of this provision.

The bill would add Subsection C to Section 573.022 of the Health and Safety Code which would allow a facility to transfer patients admitted under emergency detention to an appropriate mental health hospital with written consent of the hospital administrator. The Department of State Health Services estimates there will be no fiscal impact because this puts into statute current practices.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of

LBB Staff: JOB, CL, JF, MB, NB, BM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 5, 2011

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1829 by Naishtat (Relating to an application for emergency detention and to the transfer to a mental hospital of a person admitted for emergency detention.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would add Subsection H-1 to Section 573.012 of the Health and Safety Code to allow a judge or magistrate to transmit a warrant electronically to an applicant, who is a physician, under certain circumstances. No fiscal impact is anticipated as a result of this provision.

The bill would add Subsection C to Section 573.022 of the Health and Safety Code which would allow a facility to transfer patients admitted under emergency detention to an appropriate mental health hospital with written consent of the hospital administrator. The Department of State Health Services estimates there will be no fiscal impact because this puts into statute current practices.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of

LBB Staff: JOB, CL, JF, MB, NB, BM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 29, 2011

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1829 by Naishtat (Relating to the transfer to a mental hospital of a person admitted to a facility for emergency detention.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would add Subsection C to Section 573.022 of the Health and Safety Code which would allow a facility to transfer patients admitted under emergency detention to an appropriate mental health hospital with written consent of the hospital administrator. The Department of State Health Services estimates there will be no fiscal impact because this puts into statute current practices.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of

LBB Staff: JOB, CL, MB, NB, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 29, 2011

TO: Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1829 by Naishtat (Relating to the transfer to a mental hospital of a person admitted to a facility for emergency detention.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would add Subsection C to Section 573.022 of the Health and Safety Code which would allow a facility to transfer patients admitted under emergency detention to an appropriate mental health hospital with written consent of the hospital administrator. The Department of State Health Services estimates there will be no fiscal impact because this puts into statute current practices.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of

LBB Staff: JOB, CL, MB, NB, BM