

- SUBJECT:** Allowing interstate transport agreements for mental health patients
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 9 ayes — Kolkhorst, Naishtat, Collier, Cortez, S. Davis, Guerra, S. King, Laubenberg, J.D. Sheffield
- 0 nays
- 2 absent — Coleman, Zedler
- WITNESSES:** For — Andre Storey, Christus St. Michael Health System; (*Registered, but did not testify*: Michelle Apodaca, Tenet Healthcare Corp.; Carrie Kroll, Texas Hospital Association; Sister Michele OBrien; Linda Townsend, Christus Health)
- Against — None
- On — Peggy Perry, Department of State Health Services
- BACKGROUND:** Health and Safety Code, sec. 571.008, authorizes the Department of State Health Services to enter into reciprocal agreements with the proper agencies of other states to help return persons committed to mental health facilities in Texas or another state to the states of their residence.
- Health and Safety Code, ch. 612, is the Interstate Mental Health Compact. This interstate compact applies only to individuals who are involuntarily committed to a state-owned facility. CSHB 3427 would not affect the use of the interstate compact.
- DIGEST:** CSHB 3427 would authorize the Department of State Health Services to enter into reciprocal agreements with state or local authorities of other states to return persons committed to mental health facilities in Texas or another state to the states of their residence. The bill would define a state or local authority as a “state or local government authority or agency acting in an official capacity.”
- The department would have to enter into reciprocal agreements unless the terms were unacceptable. If the states did not agree to share costs, the state

returning the patient would bear the expenses. Reciprocal agreements would require the department to develop a process for returning committed individuals to their state of residence. The process would have to:

- provide suitable care;
- efficiently use available resources; and
- consider commitment to a proximate mental health facility to help return non-residents to their state of residence.

With respect to reciprocal agreements, a mental health facility could be any hospital or facility designated as a place of commitment by the department, a local mental health authority, and an authority from the contracting state. If appropriate, the department would have to coordinate with the contracting state's mental health facilities, mental hospitals, health service providers, courts, and law enforcement personnel nearest to Texas. This bill would only apply to reciprocal agreements entered into after September 1, 2013.

This bill would take effect September 1, 2013.