

SUBJECT: Allowing mental health facilities to assess patients after admission

COMMITTEE: Public Health — favorable, without amendment

VOTE: 9 ayes — S. Thompson, Wray, Allison, Guerra, Lucio, Ortega, Price, Sheffield, Zedler

1 nay — Frank

1 absent — Coleman

SENATE VOTE: On final passage, April 16 — 31-0

WITNESSES: *On House companion bill, HB 3536:*

For — Greg Hansch, National Alliance on Mental Illness Texas; Cesar Lopez, Texas Hospital Association; Sejal Mehta, Universal Health Services; (*Registered, but did not testify:* Priscilla Camacho, Dallas Regional Chamber; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Alissa Sughrue, National Alliance on Mental Illness-Texas; Gregory Young)

Against — Lee Spiller, Citizens Commission on Human Rights; Aaryce Hays, Disability Rights Texas; (*Registered, but did not testify:* Monica Ayres, Citizens Commission on Human Rights-Texas; Judy Powell, Parent Guidance Center; Lindsey Fenton, We the Parents Coalition)

On — Sheila Hemphill, Texas Right To Know; (*Registered, but did not testify:* Denise Brady and Liz Kromrei, Department of Family and Protective Services)

BACKGROUND: Health and Safety Code sec. 572.0025(f) prohibits a prospective voluntary mental health patient from being formally accepted for treatment in an inpatient facility unless:

- the facility has a physician's order from an admitting physician who has conducted a physical and psychiatric examination within 72

hours of the admission; or

- the facility has a physician's order from an admitting physician who has consulted with a physician who has conducted an examination within 72 hours of the admission and the facility administrator has agreed to accept the patient.

DIGEST: SB 1238 would change the time frame within which a prospective voluntary mental health patient had to be examined by a physician from within 72 hours before admission to an inpatient facility to between 72 hours before and 24 hours after the admission.

A person admitted to a facility before being examined would have to be discharged immediately if the physician determined that the person did not meet the clinical standards to receive inpatient mental health services. Facilities that discharged those patients could not bill the patient or the patient's third-party payor for the temporary admission to the inpatient mental health facility.

The bill would take effect September 1, 2019.

SUPPORTERS SAY: SB 1238 would streamline the admission process for people seeking voluntary admission to inpatient mental health facilities. Requiring prospective patients who are suicidal, depressed, or anxious to sit in a triage room and wait for a physician to conduct an examination before admitting them can be traumatic. By allowing the examination to be conducted within 24 hours after admission, the bill would allow facilities to provide a safe, comfortable place for prospective patients to wait for their examination. Due to physician schedules, the examinations often cannot be conducted immediately upon the prospective patient's arrival at the facility. Allowing immediate admission would permit facilities to care for the patient while they waited for the necessary examination.

OPPONENTS SAY: SB 1238 would allow facilities to unnecessarily delay examinations for people in potentially life-threatening conditions. While it could be more convenient for facilities to admit people with severe mental illness immediately and move them out of the triage area, delaying the

examination would not benefit the patient.