

SUBJECT: Setting minimum duration of certain court-ordered treatment

COMMITTEE: Judiciary & Civil Jurisprudence — committee substitute recommended

VOTE: 7 ayes — Leach, Julie Johnson, Flores, Moody, Murr, Schofield, Vasut
1 nay — Slawson
1 absent — Davis

WITNESSES: For — Tracy Clarke (*Registered, but did not testify*: Michelle Romero, Texas Medical Association; Liinda Durnin)

Against — (*Registered, but did not testify*: Guy Herman, Presiding Judge of the Statutory Probate Courts of Texas; Ingrid Warren)

On — (*Registered, but did not testify*: Francis Nugent, Harris County Commissioners Court)

BACKGROUND: Some have suggested that in addition to the 90-day maximum an individual may be required to attend court-ordered treatment for chemical dependency established under current law, a minimum number of days required should be specified to ensure individuals receive effective treatment.

DIGEST: CSHB 1857 would revise the elements required to be included in a certificate of medical examination for chemical dependency filed for the purpose of receiving a hearing on court ordered-treatment. In addition to requiring the physician's opinion that the proposed patient be a person with a chemical dependency, the physician would have to specify that the patient was likely to cause serious harm to self or others or continue to suffer distress as a result of the chemical dependency.

The bill would set 60 days as the minimum duration for a court-ordered treatment for a qualifying person with chemical dependency. The minimum duration would also apply to a renewal of such an order. The

bill would specify that an administrator could discharge a patient from treatment before the court order expired if the physician treating the patient determined that the patient no longer met the criteria for court-ordered treatment.

The bill would replace references to the Department of State Health Services with references to the Health and Human Services Commission as the agency required to approve treatment facilities for the purposes of accepting court commitments.

The bill would take effect September 1, 2023, and would apply only to an application for court-ordered treatment for chemical dependency that was filed on or after that date.