

BILL ANALYSIS

Senate Research Center
76R1140 JJT-D

S.B. 44
By: Shapiro
Health Services
3/3/1999
Committee Report (Substituted)

DIGEST

Currently, Texas law allows minors between the ages of 16 and 18 to check themselves into drug treatment facilities without the consent of their parents. Texas law, however, also allows a minor between the ages of 16 and 18 to check out of the treatment facility, regardless of whether a parent admitted the child. S.B. 44 would require a parent to be notified of the release of a minor child when the parent checks the child into a treatment facility.

PURPOSE

As proposed, S.B. 44 establishes requirements regarding consent for substance abuse treatment of a minor.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 462.023, Health and Safety Code, to require the release of a voluntary patient except as provided by Subsections (b) and (c). Requires a drug treatment facility to consult a parent if the patient is a minor and if the parent was responsible for the admission of the patient, on receipt of the written request for release. Requires the facility to continue treatment of the patient as a voluntary patient, if a parent objects in writing to the release, and signed a surrogate consent form at the time of the patient's admission. Makes conforming changes.

SECTION 2. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 462.023(c), Health and Safety Code, to require a drug treatment facility to consult with a parent, if the parent was responsible for the admission of the patient. Deletes text regarding the signing of a surrogate consent form on behalf of the patient after the consultation.