

BILL ANALYSIS

Senate Research Center

C.S.S.B. 801
By: Duncan
Jurisprudence
5-1-2001
Committee Report (Substituted)

DIGEST AND PURPOSE

The 73rd Legislature passed a patient Bill of Rights for mental health, chemical dependency, and rehabilitation services. Prior to this legislation, state entities were subject to federal and state patient rights regulations; however, there were problems associated with the private sector counterparts that motivated that legislation. Recently, some attorneys have read the definitions in this statute to include state-operated facilities. As a result, lawsuits have been filed against some state facilities based on an assumption that the state's sovereign immunity was waived. C.S.S.B. 801 clarifies that the bill of rights passed during the 73rd Legislature for patients in mental health, chemical dependency, and rehabilitative facilities did not waive sovereign immunity for state facilities.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 321.003(g), Health and Safety Code, to provide that this section does not authorize a suit for damages against a department or agency of the state, waive sovereign immunity to suit or liability, or supersede or abrogate any other remedy existing in law, including any remedy provided under Chapter 101 of the Civil Practice and Remedies Code.

SECTION 2. Provides that with regard to a suit filed against a treatment facility or mental health facility under Section 321.003, Health and Safety Code, this Act is intended only to clarify legislative intent of Section 321.003. Provides that at the time of the enactment of Section 321.003, the legislature did not intend that section to authorize a suit for damages against a department or agency of the state or waive sovereign immunity to suit or liability.

SECTION 3. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from As Filed version in SECTION 1 by adding text providing that Section 321.003(g) does not supersede or abrogate any other remedy existing in law, including any remedy provided under Chapter 101 of the Civil Practice and Remedies Code.