

## **BILL ANALYSIS**

Senate Research Center  
80R11516 JJT-F

H.B. 518  
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Health & Human Services  
4/28/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current statute authorizes a peace officer to detain a person without a warrant if the circumstances leads the officer to conclude that there is reasonable cause to believe that the person is mentally ill and that the mental illness causes a substantial risk of imminent serious harm to the mentally ill person or others. This detention can last no longer than 24 hours, excluding nights and weekends and any time the person spends receiving medical care in the emergency room, unless a probate court has issued an order of protective custody. As a result, examining physicians are under a limited amount of time to examine and observe a person and determine whether protective custody is necessary.

H.B. 518 extends the maximum authorized time to detain a person presumed to be mentally ill to 48 hours.

### **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 Sections 573.021(b) and (c), Health and Safety Code, as follows:

(b) Authorizes a person accepted for a preliminary examination to be detained in custody for not longer than 48 hours, rather than 24 hours, after the time the person is presented to the facility unless a written order for protective custody, rather than further detention, is obtained. Provides that the 48-hour period allowed by this section includes any time the patient spends waiting in the facility for medical care before the person receives the preliminary examination. Authorizes a person to be detained until 12 p.m., rather than 4 p.m., on the first succeeding business day if the 48-hour period ends on a Saturday, Sunday, legal holiday, or before 4 p.m. on the first succeeding business day. Authorizes a person to be detained only until 4 p.m. on the day the 48-hour period ends if the 48-hour period ends at a different time. Deletes existing text providing that the period does not include any time during which the person is actually receiving necessary medical care in the facility's emergency room or emergency care in another area of the facility. Makes conforming changes.

(c) Requires a physician to examine the person as soon as possible within 12, rather than 24, hours after the time the person is apprehended by the peace officer or transported for emergency detention by the person's guardian.

SECTION 2. Amends Section 574.021(d), Health and Safety Code, to require a motion to be accompanied by a certificate of medical examination for mental illness prepared by a physician who has examined a proposed patient not earlier than the third day, rather than fifth day, before the day the motion is filed.

SECTION 3. (a) Requires the Department of State Health Services (DSHS) to conduct a study of the effects the change in law made by this Act has on reducing the overall number of admissions to state mental health facilities, and the number of admissions of persons to state mental health facilities for periods of less than 96 hours.

(b) Requires DSHS to include in a report on the conclusions of the study information concerning relevant admissions to state mental health facilities during the 24-month period preceding the effective date of this Act, and during the 12-month period following the effective date of this Act.

(c) Requires DSHS to provide the report, not later than December 31, 2008, on the study's conclusions to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the Senate Committee on Health and Human Services and the House Public Health Committee.

SECTION 4. Makes application of Sections 573.021 and 574.021, Health and Safety Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2007.