

## **BILL ANALYSIS**

Senate Research Center  
83R11417 AED-F

S.B. 1438  
By: Paxton  
Health & Human Services  
4/26/2013  
As Filed

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

Current law authorizes individuals who evidence signs of mental illness and may pose a substantial risk of harm to themselves or others to be apprehended and transported to the nearest mental health facility. However, the mental commitment actions will be often filed in the county where the person was apprehended, even though the person was immediately taken out of that county. The hearings are then conducted in the county where the apprehension occurred rather than the county in which the person is receiving treatment, which requires that the person be transported from the county in which they are receiving treatment to the county in which the hearings are taking place. This frequently requires transporting the patient across the county line multiple times for the purpose of attending these hearings and being returned to the facility in which they are receiving treatment. Interested parties assert that policy interests as well as the interests of the individual would be better served by requiring that upon apprehension the individual be transported to the nearest facility in the county where the person is apprehended. If no suitable facility is available in the county, then the person would be transported to the closest possible facility outside the county.

As proposed, S.B. 1438 amends current law relating to the transportation of certain mental health patients.

### **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 573.012(e), Health and Safety Code, as follows:

(e) Requires a person apprehended under this section (Issuance of Warrant) to be transported for a preliminary examination in accordance with Section 573.021 (Preliminary Examination) to:

- (1) the nearest appropriate inpatient mental health facility in the county in which the person is apprehended, rather than the nearest appropriate mental health facility;
- (2) a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available; or
- (3) if there is no appropriate inpatient mental health facility in the county in which the person is apprehended, the nearest appropriate mental health facility outside the county in which the person is apprehended.

Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2013.