

By: West

S.B. No. 937

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of certain facilities to temporarily
3 detain a person with mental illness.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Subchapter A, Chapter 573, Health
6 and Safety Code, is amended to read as follows:

7 SUBCHAPTER A. APPREHENSION, [BY PEACE OFFICER OR]

8 TRANSPORTATION, OR DETENTION WITHOUT JUDGE'S OR MAGISTRATE'S ORDER

9 [FOR EMERGENCY DETENTION BY GUARDIAN]

10 SECTION 2. Subchapter A, Chapter 573, Health and Safety
11 Code, is amended by adding Section 573.005 to read as follows:

12 Sec. 573.005. TEMPORARY DETENTION BY CERTAIN FACILITIES.

13 (a) In this section, "facility" means:

14 (1) a mental health facility;

15 (2) a hospital licensed under Chapter 241; and

16 (3) a freestanding emergency medical care facility

17 licensed under Chapter 254.

18 (b) A facility that is examining or treating a person who
19 requested treatment from the facility may detain the person as
20 provided by Subsection (c) if:

34 (3) the facility.

S.B. No. 937

1 (e) The facility shall notify the person if the facility
2 intends to detain the person under this section. The examining
3 physician shall notify the person if the examining physician
4 intends to pursue the issuance of a warrant for emergency detention
5 or an order of protective custody.

6 (f) The facility shall document in writing a decision to
7 detain a person under this section and the reasons for that decision
8 and shall make the document a part of the person's clinical record.

9 SECTION 3. This Act takes effect September 1, 2013.