

SUBJECT: Criteria for court-ordered, extended outpatient mental health services

COMMITTEE: Public Health — favorable, without amendment

VOTE: 11 ayes — Kolkhorst, Naishtat, Alvarado, Coleman, S. Davis, Gonzales, S. King, Laubenberg, Schwertner, Truitt, Zerwas

0 nays

SENATE VOTE: On final passage, March 17 — 31-0, on Local and Uncontested Calendar

WITNESSES: *On House companion bill, HB 39:*
For — Oscar Kazen, Bexar County Probate Judge; (*Registered, but did not testify*: Christine Bryan, Clarity Child Guidance Center; Miryam Bujanda, Methodist Healthcare Ministries; Guy Herman, Statutory Probate Judges of Texas; Harold Oliver, National Alliance of Mental Illness – San Antonio; Robin Peyson, National Alliance of Mental Illness; Andrew Smith, University Health System; Chris Yanas, Teaching Hospitals of Texas; Mark Carmona; Mary Hogan; Kristen Neal; Francisco Reta; Eric Smith; Lupe Torres; Catherine Weaver)

Against — Clifford Gay; (*Registered, but did not testify*: Lee Spiller, Citizens Commission on Human Rights)

On — (*Registered, but did not testify*: Lauren Lacefield, Department of State Health Services)

BACKGROUND: Health and Safety Code, sec. 574.035 outlines the criteria by which a judge may order a person to receive extended inpatient or outpatient mental health services.

To qualify for inpatient services, among other requirements, a person must be found to be mentally ill, a potential danger to self or others, and to have received court-ordered inpatient mental health services for at least 60 consecutive days in the previous year.

To qualify for outpatient services, among other requirements, a person must be found to be severely mentally ill, unable to voluntarily participate

in outpatient services, and to have received court-ordered inpatient mental health services for at least 60 consecutive days in the previous year.

The application for court-ordered, extended mental health services must indicate that the person has received these previous services.

DIGEST:

SB 118 would change the criteria for a judge to order a person to receive court-ordered extended outpatient mental health services. A person would have to have received a total of at least 60 days, rather than 60 consecutive days, of court-ordered inpatient services in the previous year or have received court-ordered outpatient services during the preceding 60 days.

The application for court-ordered extended inpatient or outpatient mental health services would need to indicate which of these services the patient received.

The bill would take effect on September 1, 2011.

**SUPPORTERS
SAY:**

Many suffering from mental illness undergo court-ordered mental health services, but due to high costs and limited capacity, they often do not receive the minimum 60 consecutive days required to qualify for extended services. SB 118 would allow those in need of extended mental health services to access it by giving greater judicial discretion to the courts in deciding who needed these services the most.

Under the bill, courts no longer would be forced to order recurring, 90-day outpatient hearings for patients in and out of mental health services. Liberating courts from this mandate would lower costs for medical exams, administrative support, and court hearings. In addition, because patients no longer would be compelled to meet the 60-day consecutive minimum to qualify for extended services, more daybeds at mental health facilities would open for patients who otherwise would qualify.

**OPPONENTS
SAY:**

Court-ordered extended mental health services should be provided to the most needy patients. Those who need and receive two consecutive months of help should qualify for extended services, rather than those in and out of inpatient services.

NOTES:

The House companion bill, HB 39 by Menendez, was considered in a public hearing on March 30 and left pending by the House Public Health Committee.