

## **BILL ANALYSIS**

Senate Research Center  
83R3762 EES-F

S.B. 937  
By: West  
Health & Human Services  
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As Filed

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

Currently, emergency departments and hospitals are not authorized to hold an individual who initially requests mental health services and subsequently requests to leave. This provides hospital employees with few options other than calling law enforcement in the case of an emergency.

S.B. 937 provides that a mental health facility, a hospital licensed under Chapter 241 (Hospitals) of the Health and Safety Code, or a freestanding emergency medical care facility licensed under Chapter 254 (Freestanding Emergency Medical Care Facilities) of the Health and Safety Code may detain a person who initially requested treatment if the facility has reason to believe the person has a mental illness and is at substantial risk of harm to himself or herself or to others unless immediately restrained, and believes there is not sufficient time to file an application for emergency detention or order of protective custody. The detention may not last longer than four hours. During that time, the person must be examined by a physician to determine whether the person should be discharged or detained until 4 p.m. the next business day to allow for the issuance of a warrant of emergency detention or an order of protective custody.

As proposed, S.B. 937 amends current law relating to the authority of certain facilities to temporarily detain a person with mental illness.

### **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 the heading to Subchapter A, Chapter 573, Health and Safety Code, to read as follows:

#### **SUBCHAPTER A. APPREHENSION, TRANSPORTATION, OR DETENTION WITHOUT JUDGE'S OR MAGISTRATE'S ORDER**

SECTION 2. Amends Subchapter A, Chapter 573, Health and Safety Code, by adding Section 573.005, as follows:

Sec. 573.005. TEMPORARY DETENTION BY CERTAIN FACILITIES. (a) Defines "facility" in this section.

(b) Authorizes a facility that is examining or treating a person who requested treatment from the facility to detain the person as provided by Subsection (c) if:

(1) the person expresses a desire to leave the facility or attempts to leave the facility before the examination or treatment is completed; and

(2) the facility:

(A) has reason to believe and does believe that the person has a mental illness, and because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and

(B) believes that there is not sufficient time to file an application for emergency detention or for an order of protective custody.

(c) Prohibits the period of a person's detention authorized by Subsection (b) from exceeding four hours following the time the person first expressed a desire to leave, or attempted to leave, the facility. Requires the facility to have a physician examine the person during that period to determine if there is reasonable cause to believe that the person might meet the criteria for court-ordered mental health services or emergency detention.

(d) Requires the physician examining the person under Subsection (c) to discharge the person on completion of the examination and before the end of the four-hour period unless the physician determines that the person meets the criteria for court-ordered mental health services or emergency detention. Authorizes the facility, if the examining physician determines that the person meets those criteria, to continue to detain the person until not later than 4 p.m. on the next business day after the date of the examination to allow time for the issuance of a warrant of emergency detention or an order of protective custody. Requires the facility to release the person before the end of that period unless the warrant or order is issued.

(e) Requires the facility to notify the person if the facility intends to detain the person under this section. Requires the examining physician to notify the person if the examining physician intends to pursue the issuance of a warrant for emergency detention or an order of protective custody.

(f) Requires the facility to document in writing a decision to detain a person under this section and the reasons for that decision, and requires the facility to make the document a part of the person's clinical record.

SECTION 3. Effective date: September 1, 2013.