

BILL ANALYSIS

Senate Research Center

S.B. 2628
By: Campbell
Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It is important for a patient to have a medical examination to rule out physical issues that may be impacting the brain before admitting them to a mental health facility for several reasons.

Firstly, some physical conditions can mimic mental health disorders, making it difficult to accurately diagnose and treat the underlying problem without a proper examination. For example, thyroid disorders, brain tumors, and other medical conditions can cause symptoms that resemble mental health disorders such as depression, anxiety, or psychosis.

Secondly, some physical conditions can actually cause or contribute to mental health problems. For instance, head injuries, infections, and certain medications can impact brain function and result in cognitive, emotional, or behavioral changes.

Thirdly, treating a physical condition may alleviate or improve mental health symptoms, and therefore it is important to identify and address any underlying physical issues before solely relying on mental health treatments.

Although evidence suggests that physical exams are essential to rule out underlying conditions, there have been reported cases where patients have been admitted to mental health facilities without receiving a medical examination first. S.B. 2628 seeks to prevent this from happening by requiring a medical examination before admission to a mental health facility.

S.B. 2628 amends Section 575.001 of the Health and Safety Code by requiring that a patient undergo a medical examination to determine that the patient does not have a medical condition that would prevent facility staff from providing care to the patient or other patients.

As proposed, S.B. 2628 amends current law relating to requiring medical clearance before admission to an inpatient mental health facility.

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 575.001, Health and Safety Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Authorizes the facility administrator of an inpatient mental health facility, subject to Subsection (c), to admit and detain a patient under the procedures prescribed by Subtitle C (Texas Mental Health Code).

(c) Prohibits a patient from being admitted under Subsection (a) unless the patient has undergone a medical examination that determines that the patient does not have a medical condition that would prevent facility staff from providing care to the patient or other patients.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.