

CHAPTER 477

H.B. No. 967

AN ACT

relating to the commitment for and treatment of drug dependent persons.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 2(c), Chapter 543, Acts of the 61st Legislature, Regular Session, 1969 (Article 5561c-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) If good cause is shown, the judge may, on the motion of the county or district attorney *or other applicant or on the court's own motion*, approve the filing of an application without an accompanying physician's certificate. If the judge is absent, a magistrate designated by the judge may act for the judge. When the application is filed, the judge or designated magistrate shall immediately appoint the necessary physicians to examine the proposed patient and to file certificates with the court. If a psychiatrist is available in the county, at least one of the examining physicians must be a psychiatrist. The judge or designated magistrate may order the proposed patient to submit to the examinations and may issue a warrant for a peace officer to take the proposed patient into custody for the examinations.

SECTION 2. Section 7, Chapter 543, Acts of the 61st Legislature, Regular Session, 1969 (Article 5561c-1, Vernon's Texas Civil Statutes), is amended by amending Subsections (b), (c), and (d) and by adding Subsection (f) to read as follows:

(b) If the court or the jury, as the case may be, finds that the proposed patient is a drug-dependent person and should be hospitalized for his own welfare and protection or for the protection of others, the court shall order that the drug-dependent person be committed as a patient to a mental health facility for an extended period of ~~[not to exceed]~~ six months *or the shorter period specified in accordance with Subsection (f) of this section* or until he is discharged by the head of the mental health facility.

(c) If the court or jury, as the case may be, finds that the proposed patient is a drug-dependent person but should not be hospitalized, the court shall dismiss the jury, if any, and shall hear additional evidence relating to alternative settings for outpatient care or services. After hearing the evidence the judge may order the proposed patient to participate in appropriate outpatient care or services for a period of ~~[not to exceed]~~ six months *or the shorter period specified in accordance with Subsection (f) of this section*. The outpatient care or services may include community substance *abuse* programs and services provided by a private psychiatrist or psychologist.

(d) An order issued under Subsection (c) of this section must identify the individual responsible for the outpatient care or services. That individual shall submit to the court not later than the 14th day after the date on which the order is issued a general program of treatment to be incorporated into the court's order. On application by the patient or the individual responsible for the care or services, the court may modify the order or waive the requirements before the end of the *commitment* ~~[six-month]~~ period.

(f) A court may issue an order for extended commitment for a specified period shorter than six months if:

- (1) the parties agree to the specified period of time; and
- (2) the court finds that the commitment for the specified period of time is in the best interest of the proposed patient.

SECTION 3. Section 21(a), Chapter 543, Acts of the 61st Legislature, Regular Session 1969 (Article 5561c-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) A county that enters an order of commitment or detention under this Act is liable for payment of the costs of any proceedings related to that order, including:

- (1) court appointed attorney's fees;
- (2) physician examination fees;
- (3) compensation for language or sign interpreters;
- (4) compensation for masters; and
- (5) expenses of *detention in a county or state-owned facility before commitment and of transporting the patient to a hearing or to a mental health facility.*

SECTION 4. Subsections (a) and (g), Section 35.03, Family Code, are amended to read as follows:

(a) A minor may consent to the furnishing of hospital, medical, surgical, and dental care by a licensed physician or dentist if the minor:

- (1) is on active duty with the armed services of the United States of America;
 - (2) is 16 years of age or older and resides separate and apart from his parents, managing conservator, or guardian, whether with or without the consent of the parents, managing conservator, or guardian and regardless of the duration of such residence, and is managing his own financial affairs, regardless of the source of the income;
 - (3) consents to the diagnosis and treatment of any infectious, contagious or communicable disease which is required by law or regulation adopted pursuant to law to be reported by the licensed physician or dentist to a local health officer or the Texas Department of Health and including all diseases within the scope by law or regulation of Section 1.03, Article 4445d, Vernon's Texas Civil Statutes;
 - (4) is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy;
 - (5) is 18 years of age or older and consents to the donation of his blood and the penetration of tissue necessary to accomplish the donation; or
 - (6) consents to examination and treatment for *chemical [drug] addiction, chemical [drug] dependency, or any other condition directly related to chemical [drug] use.*
- (g) A minor may consent to counseling *or counseling in conjunction with treatment* by a physician, psychologist, counselor, or social worker licensed or certified by this state, within the scope of the professional's license, if the ~~[minor consents to]~~ *treatment and/or counseling is for sexual abuse, physical abuse, [or] suicide prevention, or chemical addiction, dependency, or abuse.*

(1) Except as provided in Subsection (4) of this subsection, a physician, psychologist, counselor, or social worker licensed or certified by this state having reasonable grounds to believe that a child has been sexually or physically abused and/or is contemplating suicide *and/or is involved in chemical addiction, dependency, or abuse* may counsel the child without consent of the child's parents, managing conservator, or guardian.

(2) A physician, psychologist, counselor, or social worker licensed or certified by this state may, with or without the consent of a minor who is a client, advise the parents, managing conservator, or guardian of the minor of the treatment given or needed by the minor.

(3) A physician, psychologist, counselor, or social worker licensed or certified by this state may rely on the written statement of the minor containing the grounds on which the minor has capacity to consent to his or her own treatment under this section.

(4) Unless consent is obtained as otherwise allowed by law, a physician, psychologist, counselor, or social worker licensed or certified by this state may not counsel a child if consent is refused by an order of a court.

(5) A physician, psychologist, counselor, or social worker licensed or certified by this state and counseling a child under the authority of this section is not liable for damages except those damages resulting from his or her negligence or wilful misconduct.

(6) A parent, managing conservator, or guardian is not obligated to compensate a physician, psychologist, counselor, or social worker for counseling services rendered under Subsection (g) of this section without the prior consent of the parent, managing conservator, or guardian.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 9, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 967 on June 1, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 30, 1987, by the following vote: Yeas 31, Nays 0.

Approved June 17, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.