

CHAPTER 1064

S.B. No. 637

AN ACT

relating to the authority of a protection and advocacy system for the mentally ill to obtain certain confidential records.

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

SECTION 1. DEFINITION. "Protection and advocacy system" means the system established in this state under the federal Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99-319).

SECTION 2. ACCESS TO RECORDS. On the effective date of this Act and notwithstanding other state laws, the protection and advocacy system shall have access to records pertaining to mentally ill persons to the extent such access to records is defined by federal law.

SECTION 3. NOTIFICATION OF COMPLAINT. If the protection and advocacy system receives a complaint of abuse, neglect, or rights violation concerning a client in a facility or program operated by, licensed by, certified by, or in a contractual relationship with the Texas Department of Mental Health and Mental Retardation and the protection and advocacy system decides to investigate the complaint, it shall notify the Texas Department of Mental Health and Mental Retardation's Office of Client Services and Rights Protection if the client consents to such notification.

SECTION 4. EMERGENCY. 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 the Senate on April 28, 1987, by the following vote: Yeas 31, Nays 0. Passed the House on May 22, 1987, by the following vote: Yeas 148, Nays 0, one present not voting.

Approved June 18, 1987.

Effective June 18, 1987.