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JBB

AN ACT

relating to notification to a patient of a state-operated mental health facility or resident of a residential care facility of the exemption of certain trusts from liability to pay for support.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 576, Health and Safety Code, is amended by adding Section 576.010 to read as follows:

Sec. 576.010. NOTIFICATION OF TRUST EXEMPTION. (a) At the time a patient is admitted to an inpatient mental health facility for voluntary or involuntary inpatient mental health services, the facility shall provide to the patient, and the parent if the patient is a minor or the guardian of the person of the patient, written notice, in the person's primary language, that a trust that qualifies under Section 552.018 is not liable for the patient's support. In addition, the facility shall ensure that, within 24 hours after the patient is admitted to the facility, the notification is explained to the patient:

(1) orally, in simple, nontechnical terms in the patient's primary language, if possible; or

(2) through a means reasonably calculated to communicate with a patient who has an impairment of vision or hearing, if applicable.

(b) Notice required under Subsection (a) must also be attached to any request for payment for the patient's support.

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1 (c) This section applies only to state-operated mental  
2 health facilities.

3 SECTION 2. Subchapter D, Chapter 592, Health and Safety  
4 Code, is amended by adding Section 592.056 to read as follows:

5 Sec. 592.056. NOTIFICATION OF TRUST EXEMPTION. (a) At the  
6 time a resident is admitted to a residential care facility, the  
7 facility shall provide to the resident, and the parent if the  
8 resident is a minor or the guardian of the person of the resident,  
9 written notice, in the person's primary language, that a trust that  
10 qualifies under Section 593.081 is not liable for the resident's  
11 support. In addition, the facility shall ensure that, within 24  
12 hours after the resident is admitted to the facility, the  
13 notification is explained to the resident, and the parent if the  
14 resident is a minor or the guardian of the person of the resident:

15 (1) orally, in simple, nontechnical terms in the  
16 person's primary language, if possible; or

17 (2) through a means reasonably calculated to  
18 communicate with a person who has an impairment of vision or  
19 hearing, if applicable.

20 (b) Notice required under Subsection (a) must also be  
21 attached to any request for payment for the resident's support.

22 SECTION 3. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2009.

S.B. No. 584

Rand Beukhus  
President of the Senate

Jim Strawn  
Speaker of the House

I hereby certify that S.B. No. 584 passed the Senate on March 23, 2009, by the following vote: Yeas 31, Nays 0.

Latsy Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 584 passed the House on May 25, 2009, by the following vote: Yeas 144, Nays 0, one present not voting.

Robert Haney  
Chief Clerk of the House

Approved:  
19 JUN '09  
Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK  
JUN 19 2009

Colby Shorter III