AN ACT

relating to consent for treatment for chemical dependency in a

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Chapter 345

H.B. No. 3146

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

SECTION 1. Sections 462.009(e) and (g), Health and Safety

Code, are amended to read as follows:

(e) Consent given by a patient or by a person authorized by

law to consent to treatment on the patient's behalf for the

administration of a medication, therapy, or treatment is valid only

if:

(1) for consent to therapy or treatment:

(A) the consent is given voluntarily and without

coercive or undue influence; and

(B) before administration of the

medication, therapy or treatment, the treating physician or

the psychologist, social worker, professional counselor, or

counselor explains to the patient and to the

person giving consent, in simple, nontechnical language:

(i) the specific condition to be

treated;

(ii) the beneficial effects on that

condition expected from the

medication, therapy or treatment;

(iii) the probable health and mental

...
health consequences of not consenting to the [medication,] therapy[τ] or treatment;

(iv) [E] the side effects and risks associated with the [medication,] therapy[τ] or treatment;

(v) [E] the generally accepted alternatives to the [medication,] therapy[τ] or treatment, if any, and whether an alternative might be appropriate for the patient; and

(vi) [E] the proposed course of the [medication,] therapy[τ] or treatment;

(2) for consent to the administration of medication:

(A) the consent is given voluntarily and without coercive or undue influence; and

(B) the treating physician provides each explanation required by Subdivision (1)(B) to the patient and to the person giving consent in simple, nontechnical language; and

(3) for consent to medication, therapy, or treatment, the informed consent is evidenced in the patient's clinical record by a signed form prescribed by the commission for this purpose or by a statement of the treating physician or the psychologist, social worker, professional counselor, or chemical dependency counselor who obtained the consent that documents that consent was given by the appropriate person and the circumstances under which the consent was obtained.

(g) Consent given by a patient or by a person authorized by law to consent to treatment on the patient's behalf applies to a series of doses of medication or to multiple therapies or
treatments for which consent was previously granted. If the treating physician or the psychologist, social worker, professional counselor, or chemical dependency counselor obtains new information relating to a therapy or treatment for which consent was previously obtained, the physician or the psychologist, social worker, professional counselor, or chemical dependency counselor must explain the new information and obtain new consent. If the treating physician obtains new information relating to a medication for which consent was previously obtained, the physician must explain the new information and obtain new consent.

SECTION 2. The heading to Section 462.025, Health and Safety Code, is amended to read as follows:

Sec. 462.025. INTAKE, SCREENING, ASSESSMENT, AND ADMISSION.

SECTION 3. Section 462.025, Health and Safety Code, is amended by amending Subsections (a) and (e) and adding Subsection (b-1) to read as follows:

(a) The commission shall adopt rules governing the voluntary admission of a patient to a treatment facility, including rules governing the intake, screening, and assessment procedures of the admission process.

(b-1) The rules governing the screening process shall establish minimum standards for determining whether a prospective patient presents sufficient signs, symptoms, or behaviors indicating a potential chemical dependency disorder to warrant a more in-depth assessment by a qualified professional. The screening
must be reviewed and approved by a qualified professional.

(e) In accordance with commission rule, a treatment facility shall provide annually a minimum of two [eight] hours of inservice training regarding intake and screening [and assessment] for persons who will be conducting an intake or screening [or assessment] for the facility. A person may not conduct intake or screenings [or assessments] without having completed the initial and applicable annual inservice training.

SECTION 4. Section 462.025(h), Health and Safety Code, is amended by amending Subdivision (2) and adding Subdivision (4) to read as follows:

(2) "Assessment" means the clinical [administrative] process a treatment facility uses to gather information from a prospective patient, including a medical history and the problem for which the patient is seeking treatment, to determine whether a prospective patient should be admitted.

(4) "Screening" means the process a treatment facility uses to determine whether a prospective patient presents sufficient signs, symptoms, or behaviors to warrant a more in-depth assessment by a qualified professional.

SECTION 5. This Act takes effect September 1, 2011.
H.B. No. 3146

President of the Senate

I certify that H.B. No. 3146 was passed by the House on May 3, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3146 was passed by the Senate on May 19, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: 17 JUN '11

Date

Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE
4:00 PM ON 17 JUN 2011

Secretary of State