



# TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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**Broadcast MSG#112**

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**TO:** Executive Directors, Behavioral Health Directors, Local Mental Health Authorities, Specialty Provider Networks, North Texas Behavioral Health Authority

**FROM:** Ross Robinson  
Program Services Section Director  
Community Mental Health and Substance Abuse, Program Services

**RE:** Notification of State Law regarding age of consent for outpatient and inpatient mental health treatment.

## **Background**

On June 14, 2013 SB718 of the 83<sup>rd</sup> Legislature was signed into law by the governor and is effective immediately.

This law amends Texas Health and Safety Code, §572.001 to state the following:

- A person 16 years of age or older may request admission to an inpatient mental health facility or by filing a request with the administrator of the facility where admission is requested. Admission of a person 16 years of age or older may occur without the consent of the parent, managing conservator, or guardian.
- A person 16 years of age or older may request admission for outpatient mental health services or by filing a request with the administrator of the facility where outpatient treatment is requested. Admission of a person 16 years of age or older may occur without the consent of the parent, managing conservator, or guardian.
- The parent, managing conservator, or guardian of a person younger than 18 years of age may request the admission of the person to an inpatient mental health facility by filing a request with the administrator of the facility where admission is requested.
- The parent, managing conservator, or guardian of a person younger than 18 years of age may request the admission of the person for outpatient mental health services by filing a request with the administrator of the facility where outpatient treatment is requested.
- An inpatient mental health facility may admit or provide services to a person 16 years of age or older and younger than 18 years of age if the person's parent, managing conservator, or guardian consents to the admission or services, even if the person does not consent to the admission or services; with the following exceptions:

- A person or agency appointed as the guardian or a managing conservator of a person younger than 18 years of age and acting as an employee or agent of the state or a political subdivision of the state may request admission of the person younger than 18 years of age only with the person's consent. If the person does not consent, the person may be admitted for inpatient services only pursuant to an application for court-ordered mental health services or emergency detention or an order for protective custody.
- A person younger than 18 years of age may not be involuntarily committed unless provided by this chapter, other state law, or department rule.

Health and Safety Code, is further amended by adding Section 572.0051, "Transportation of a Patient to Another State." This law states, "a person may not transport a patient to a mental health facility in another state for inpatient mental health services under this chapter unless transportation to that facility is authorized by a court order."

### **As It Relates to Policy and Procedure**

This law expands the age of consent of individuals 16 years of age or older to apply to outpatient mental health treatment. Local Mental Health Authorities (LMHAs) and Specialty Provider Networks (SPN) are required to comply with this law. No changes to Texas Administrative Code (TAC) will need to be completed in order for this law to be fully implemented as it pertains to age of consent for outpatient mental health treatment.

The Department of State Health Services (DSHS) currently is revising TAC Title 25, Rule 412, Subchapter D, Division 3, §412.175. These revisions will include the pertinent changes to Health and Safety Code relating to voluntary admission into an inpatient facility. These changes clarify the age of consent and when a court order is required for involuntary admission of a minor.

Each LMHA and SPN needs to amend salient policies and procedures to reflect this law. DSHS asks that the development and implementation of these protocols be completed by October 1, 2013.

Questions regarding this broadcast message may be directed to Carmen Bliss LMSW, Child and Adolescent Services, at 512-776-3586 or [carmen.bliss@dshs.state.tx.us](mailto:carmen.bliss@dshs.state.tx.us)

Thank you for your attention to this matter.