

Texas hospitals are working to ensure that patients who are experiencing psychiatric crisis are protected from themselves and others. **THA is asking lawmakers to allow physicians to submit electronic applications for emergency detention orders in all counties.**



Current law states that a judge may allow a physician to electronically apply for an emergency detention – but does not broadly require judges to allow for this. In practice, many judges do not allow for electronic applications by physicians, and currently most detentions are carried out directly by a peace officer. This creates slowdowns in the protection of patients experiencing crisis.

Texas hospitals are asking lawmakers to back **Senate Bill 1433** by Sen. Juan “Chuy” Hinojosa and **House Bill 2507** by Rep. Jacey Jetton that would **allow detention applications to be submitted electronically** across the state. This will speed up the process because:



1. Detention in a hospital will not be beholden to the availability of a peace officer, and
2. The application can be submitted electronically and not be required to be presented in person.

What is an Emergency Detention Order?



An emergency detention order allows a person who, due to a mental illness, is at substantial risk of serious harm to themselves or to others to be detained either by a peace officer (Section 573.001) or through an application for a warrant for an emergency detention through the court system (Section 573.012). This ability falls under Texas’ emergency detention statute, Chapter 573 of the Texas Health and Safety Code.



What is a Hospital’s Role in Emergency Detention Orders?

Hospital emergency departments are often faced with psychiatric emergencies involving patients who may be a danger to themselves or others. If a patient undergoing a qualifying psychiatric crisis wants to leave the emergency room, physicians and hospitals have no legal authority to hold the patient, unless:

1. The patient is detained by a peace officer, or
2. Detention authority is granted by the court system.



The Challenge?

Peace officers are not always available to come to a hospital to detain a patient, and presenting an application personally to a judge can be difficult and time consuming for physicians in charge of a patient's emergency care. This is particularly true after hours and on weekends, when staffing may be limited. **Routine delays in obtaining detention authority can have devastating consequences on a patient experiencing crisis, if there is no mechanism to hold the patient.**



The Solution?

With the support of law enforcement entities and organized medicine, THA recommends that improvements to the warrant process involve broadly allowing physicians to electronically submit detention applications. Additionally, the industry supports the **development of a protected electronic application submission platform – such as a secure mobile application – that can be used by physicians to have direct, rapid access to a judge any time of day.**



Background: Early work to streamline emergency detention processes gained momentum during the 86th legislative session. In 2019, Senate Bill 362 directed the Texas Supreme Court to adopt rules to promote efficiency of court process and increase access to the judicial branch for mental health issues. This work led to the creation of a task force by the Judicial Commission on Mental Health, which focused its early efforts on improving the emergency detention warrant process.

SB 1433/HB 2507 would:

Ensure that physicians can electronically apply for emergency detention orders in all counties.

Note: SB 1433/HB 2507 also clarifies Section 573.001 by ensuring that a peace officer can execute a warrantless detention order for a patient that is currently located in a hospital.

In 1930, the Texas Hospital Association was founded by a handful of hospital administrators who recognized the value of working together to provide superior health care. Since then, the health care industry has changed dramatically – and so has THA. Today, THA is one of the largest, most respected health care associations in the country and the only statewide organization that represents the interests of all Texas hospitals and health care systems.

