

Bill Summary
1st Session of the 60th Legislature

Bill No.:	HB 2137
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Bill Analysis

HB 2137 requires the Department of Mental Health and Substance Abuse Services to notify the court, the prosecuting office, and the person's attorney if it plans to administer medication to a person in its custody. The Department must have a reasonable assumption that such a person is unable to give consent or refuse the medication. The measure authorizes the prosecuting office or the Department to file an application for an order authorizing medication for purposes of competency restoration with the court. The application shall indicate if the treating physician of the person believes the person lacks the capacity to make a decision regarding administration of the medication. The application shall also contain a summary of the individualized treatment plan of the person, the diagnosis for the person, and the proposed method of administering the medication.

A hearing on the application shall be scheduled within 30 days of the filing. The measure outlines certain rights for the person. Involuntary administration of the medication shall not be granted unless the petitioning party proves by clear and convincing evidence that such administration shall likely restore competency, there is an important state interest that justifies overruling the person's consent, alternatives are not likely to achieve the same result, and that administration of the medication is in the person's best medical interest. The order for involuntary administration shall remain in effect for the period of the current involuntary commitment order and any interim period during which the person is awaiting trial or a hearing on a new petition for involuntary treatment or involuntary medication.

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