



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

	§	No. 08-22-00150-CV
THE STATE OF TEXAS	§	Appeal from the
FOR THE BEST INTEREST AND	§	Probate Court No. 2
PROTECTION OF A.R.C.	§	of El Paso County, Texas
	§	(TC# 2022-CMH00793)

OPINION

Appellant, A.R.C., appeals the trial court's order to administer psychoactive medications issued after the trial court committed him to temporary inpatient mental health treatment. In his first issue, Appellant challenges the psychoactive-medication order because the trial court erred in holding the commitment hearing when it did not have on file two statutorily compliant certificates of medical examination (CME). Alternatively, Appellant asks us to vacate the order because the commitment order was not supported by legally and factually sufficient evidence.

In a companion case issued of even date herewith,¹ we determined that because only one statutorily compliant certificate of medical examination was on file at the time of the hearing on the application for temporary mental health services, the trial court erred in conducting the hearing

¹ *The State of Texas for the Best Interest and Protection of A.R.C.*, No. 08-22-00149-CV.

and ordering the involuntary commitment of A.R.C. *See* TEX.HEALTH & SAFETY CODE ANN. § 574.009(d). We reversed the trial court’s order for temporary mental health services and rendered judgment ordering A.R.C.’s immediate release.

A trial court may enter an order authorizing the administration of psychoactive medication only if the patient is under a valid order for temporary or extended mental health services. *J.M. v. State*, 178 S.W.3d 185, 197 (Tex.App.—Houston [1st Dist.] 2005, no pet.) (citing TEX.HEALTH & SAFETY CODE ANN. § 574.106(a)(1)). “In the absence of a valid order for temporary or extended mental health services, the order authorizing the administration of psychoactive medication is not authorized by statute and cannot stand.” *State ex rel. E.A.*, No. 14-14-00980-CV, 2015 WL 5173036, at *4 (Tex.App.—Houston [14th Dist], Sept. 3, 2015, no pet.) (mem. op.) (citing *In re L.W.*, No. 02-14-00371-CV, 2015 WL 222350, at *2 (Tex.App.—Fort Worth Jan. 15, 2015, no pet.) (mem. op.); *J.M.*, 178 S.W.3d at 197; *State ex rel. C.C., III*, 253 S.W.3d 888, 895 (Tex.App.—Dallas 2008, no pet.)).

Because we have concluded that the trial court’s order for temporary mental health services is invalid, we likewise must hold that its order to administer psychoactive medication is null and void. We sustain Appellant’s first issue and reverse the order to administer psychoactive medication.

September 21, 2022

YVONNE T. RODRIGUEZ, Chief Justice

Before Rodriguez, C.J., Palafox, and Alley, JJ.
Palafox, J., dissenting
Alley, J., concurring