

BILL ANALYSIS

Senate Research Center
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H.B. 167
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As the population of Texas grows, more persons are being incarcerated who need to be transferred to mental health facilities. Some patients require transportation to facilities across the state.

Under current law, it is the duty of law enforcement to transport persons with mental illness. The growing need for transportation of these patients is putting an increasing strain on the sheriffs' departments. Not only is a sheriff's department not equipped for medical transport, but it diverts resources from its primary function: protecting the citizens of Texas. There are other parties that can adequately provide the same service that are not being utilized.

H.B. 167 prioritizes the parties authorized to transport patients committed to mental health facilities. In order of priority, a court may authorize transportation through a special officer for mental health assignment, the facility administrator of the designated mental health facility, a representative of the local mental health authority, a qualified transportation provider, or the sheriff. These parties are already authorized to transport patients; this bill merely creates a priority system that will help spread the burden in a fair, efficient manner.

H.B. 167 amends current law relating to the transportation of certain mental health patients.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 574.045, Health and Safety Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Authorizes the court to authorize, in the following order of priority, the transportation of a committed patient or a patient detained under Section 573.022 (Emergency Admission and Detention) or 574.023 (Release from Emergency Detention) to the designated mental health facility by:

(1) a special officer for mental health assignment certified under Section 1701.404 (Certification of Officers for Mental Health Assignments), Occupations Code, rather than a relative or other responsible person who has a proper interest in the patient's welfare and who receives no remuneration, except for actual and necessary expenses;

(2) the facility administrator of the designated mental health facility, unless the administrator notifies the court that facility personnel are not available to transport the patient, rather than if the administrator notifies the court that facility personnel are available to transport the patient;

(3) a representative of the local mental health authority, who is required to be shall be reimbursed by the county, rather than a special officer for mental health assignment certified under Section 1701.404, Occupations Code;

(4) a qualified transportation service provider selected from the list established and maintained as required by Section 574.0455 by the commissioners court of the county in which the court authorizing the transportation is located; or

(5) the sheriff or constable, rather than the sheriff or constable if no person is available under Subdivision (1), (2), (3), or (4).

(a-1) Authorizes a person who under Subsection (a)(1), (2), (3), or (5) is authorized by the court to transport a person to a mental health facility to contract with a qualified transportation service provider that is included on the list established and maintained as required by Section 574.0455 by the commissioners court of the county in which the court is located to provide the transportation authorized by the court.

SECTION 2. Amends Subchapter D, Chapter 574, Health and Safety Code, by adding Section 574.0455, as follows:

Sec. 574.0455. LIST OF QUALIFIED TRANSPORTATION SERVICE PROVIDERS.

(a) Requires the commissioners court of a county to:

(1) establish and maintain a list of qualified transportation service providers that a court may authorize or with whom a person may contract to transport a person to a mental health facility in accordance with Section 574.045;

(2) establish an application procedure for a person to be included on the list, including an appropriate application fee to be deposited in the county general fund;

(3) allow officers and employees of the county to contract with persons on the list on a rotating basis if the officer or employee is authorized to provide transportation under Section 574.045 and chooses to contract with a qualified transportation service provider; and

(4) ensure that the list is made available to any person authorized to provide transportation under Section 574.045.

(b) Requires the Department of State Health Services to prescribe uniform standards that a person must meet to be listed as a qualified transportation service provider under Subsection (a).

SECTION 3. Effective date: September 1, 2011.