

## **BILL ANALYSIS**

Senate Research Center  
85R18021 GCB-F

C.S.S.B. 344  
By: West  
Health & Human Services  
4/5/2017  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, when a peace officer takes a person into custody without a warrant under Section 573.001, Health and Safety Code, because the officer believes the person has a mental illness and presents a danger to themselves or others, that officer must transport the person to a mental health facility. Permitting emergency services personnel to transport that person to such a facility could better serve public health by providing a more appropriate means of transport, and could also enhance public safety by permitting law enforcement personnel to resume their duties more quickly.

C.S.S.B. 344 allows the execution of a memorandum of understanding between a law enforcement agency and an emergency medical services provider regarding the transfer of a person detained under Section 573.001 to a mental health facility. Such an MOU must address responsibility for the cost of transport. The required MOU will be subject to local LMHA and county approval of its cost-related contents. Acceptance of the person for transfer is permissive. The existing notification of detention that officers file with a facility upon transport would still be completed by the officer, but would be filed at the facility by the emergency medical services provider who has accepted transfer.

C.S.S.B. 344 amends current law relating to the authority of emergency medical services personnel of certain emergency medical services providers to transport a person for emergency detention.

### **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 Subchapter A, Chapter 573, Health and Safety Code, by adding Section 573.0001, as follows:

Sec. 573.0001. DEFINITIONS. Defines "emergency medical services personnel" and "emergency medical services provider," and "law enforcement agency."

SECTION 2. Amends Section 573.001(d), Health and Safety Code, as follows:

(d) Requires a peace officer who takes a person into custody under Subsection (a) (relating to apprehension by peace officer without a warrant) to immediately:

(1) creates this subdivision from existing text and makes no further changes to this subdivision:

(A) creates this paragraph from existing text and makes no further changes to this paragraph; or

(B) creates this paragraph from existing text and makes no further changes to this paragraph; or

(2) transfer the apprehended person to emergency medical services (EMS) personnel of an EMS provider in accordance with a memorandum of understanding executed under Section 573.005 for transport to a facility described by Subdivision (1)(A) (relating to transporting the apprehended person to the nearest appropriate inpatient mental health facility) or (B) (relating to transporting the apprehended person to a mental health facility deemed suitable by the local mental health authority).

SECTION 3. Amends Sections 573.002(a), (d), and (e), Health and Safety Code, as follows:

(a) Requires EMS personnel of an EMS provider who transport a person to a facility at the request of a peace officer made in accordance with a memorandum of understanding executed under Section 573.005 to immediately file with the facility the notification of detention completed by the peace officer who made the request.

(d) Requires the peace officer to provide, rather than give, the notification of detention on a certain form and sets forth the text of the form. Prohibits a mental health facility or hospital emergency department from requiring a peace officer or EMS personnel to execute any form other than this form as a predicate to accepting for temporary admission a person detained by a peace officer under Section 573.001, Health and Safety Code, and transported by the officer under that section or by EMS personnel of an EMS provider at the officer's request, made in accordance with a memorandum of understanding executed under Section 573.005, Health and Safety Code.

(e) Prohibits a mental health facility or hospital emergency department from requiring a peace officer or EMS personnel to execute any form other than the form provided by Subsection (d) as a predicate to accepting for temporary admission a person detained by a peace officer under Section 573.001 and transported by the officer or by EMS personnel of an EMS provider at the officer's request, made in accordance with a memorandum of understanding executed under Section 573.005.

SECTION 4. Amends Subchapter A, Chapter 573, Health and Safety Code, by adding Section 573.005, as follows:

Sec. 573.005. TRANSPORTATION FOR EMERGENCY DETENTION BY EMERGENCY MEDICAL SERVICES PROVIDER; MEMORANDUM OF UNDERSTANDING. (a) Authorizes a law enforcement agency and an EMS provider to execute a memorandum of understanding under which EMS personnel employed by the provider are authorized to transport a person taken into custody under Section 573.001 by a peace officer employed by the law enforcement agency.

(b) Requires that a memorandum of understanding address responsibility for the cost of transporting the person taken into custody and be approved by the county in which the law enforcement agency is located and the local mental health authority that provides services in that county with respect to provisions of the memorandum that address the responsibility for the cost of transporting the person.

(c) Authorizes a peace officer to request that EMS personnel transport a person taken into custody by the officer under Section 573.001 only if the law enforcement agency that employs the officer and the EMS provider that employs the personnel have executed a memorandum of understanding under this section and the officer determines that transferring the person for transport is safe for both the person and the personnel.

(d) Authorizes EMS personnel, at the request of a peace officer, to transport a person taken into custody by the officer under Section 573.001 to the appropriate facility, as provided by that section, if the law enforcement agency that employs

the officer and the EMS provider that employs the personnel have executed a memorandum of understanding under this section.

(e) Requires a peace officer who transfers a person to EMS personnel under a memorandum of understanding executed under this section for transport to the appropriate facility to provide to the person the notice described by Section 573.001(g) (relating to requiring a peace officer who takes a person into custody to give certain information relating to the detention) and to the personnel a completed notification of detention about the person on the form provided by Section 573.002(d).

SECTION 5. Amends Section 573.021(a), Health and Safety Code, to require a facility to temporarily accept a person for whom an application for detention is filed or for whom a peace officer or EMS personnel of an EMS provider transporting the person in accordance with a memorandum of understanding executed under Section 573.005 files a notification of detention completed by the peace officer under Section 573.002(a).

SECTION 6. Effective date: upon passage or September 1, 2017.