

By: Raymond

H.B. No. 167

Substitute the following for H.B. No. 167:

By: Naishtat

C.S.H.B. No. 167

A BILL TO BE ENTITLED

AN ACT

relating to the transportation of certain mental health patients.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

(a) The court may authorize, in the following order of priority, the transportation of a committed patient or a patient detained under Section 573.022 or 574.023 to the designated mental health facility by:

(1) a special officer for mental health assignment certified under Section 1701.404, Occupations Code ~~[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 ~~if~~ the administrator notifies the court that facility personnel are not available to transport the patient;

~~(3) [a special officer for mental health assignment certified under Section 1701.404, Occupations Code,~~

~~(4)]~~ a representative of the local mental health authority, who shall be reimbursed by the county;

(4) a qualified transportation service provider

1 selected from the list established and maintained as required by
2 Section 574.0455 by the commissioners court of the county in which
3 the court authorizing the transportation is located; or

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

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

13 SECTION 2. Subchapter D, Chapter 574, Health and Safety
14 Code, is amended by adding Section 574.0455 to read as follows:

15 Sec. 574.0455. LIST OF QUALIFIED TRANSPORTATION SERVICE
16 PROVIDERS. (a) The commissioners court of a county shall:

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

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

24 (3) allow officers and employees of the county to
25 contract with persons on the list on a rotating basis if the officer
26 or employee is authorized to provide transportation under Section
27 574.045 and chooses to contract with a qualified transportation

1 service provider; and

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

4 (b) The Department of State Health Services shall prescribe
5 uniform standards that a person must meet to be listed as a
6 qualified transportation service provider under Subsection (a).

7 SECTION 3. This Act takes effect September 1, 2011.