

1-1 By: Raymond (Senate Sponsor - Zaffirini) H.B. No. 167
1-2 (In the Senate - Received from the House May 16, 2011;
1-3 May 16, 2011, read first time and referred to Committee on Health
1-4 and Human Services; May 20, 2011, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 6,
1-6 Nays 0; May 20, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 167 By: Zaffirini

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the transportation of certain mental health patients.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 574.045, Health and Safety Code, is
1-13 amended by amending Subsection (a) and adding Subsection (a-1) to
1-14 read as follows:

1-15 (a) The court may authorize, in the following order of
1-16 priority, the transportation of a committed patient or a patient
1-17 detained under Section 573.022 or 574.023 to the designated mental
1-18 health facility by:

1-19 (1) a special officer for mental health assignment
1-20 certified under Section 1701.404, Occupations Code [a relative or
1-21 other responsible person who has a proper interest in the patient's
1-22 welfare and who receives no remuneration, except for actual and
1-23 necessary expenses];

1-24 (2) the facility administrator of the designated
1-25 mental health facility, unless [if] the administrator notifies the
1-26 court that facility personnel are not available to transport the
1-27 patient;

1-28 (3) a relative or other responsible person who has a
1-29 proper interest in the patient's welfare and who receives no
1-30 remuneration, except for actual and necessary expenses [a special
1-31 officer for mental health assignment certified under Section
1-32 1701.404, Occupations Code];

1-33 (4) a representative of the local mental health
1-34 authority, who shall be reimbursed by the county, unless the
1-35 representative notifies the court that local mental health
1-36 authority personnel are not qualified to ensure the safety of the
1-37 patient during transport;

1-38 (5) a qualified transportation service provider
1-39 selected from the list established and maintained as required by
1-40 Section 574.0455 by the commissioners court of the county in which
1-41 the court authorizing the transportation is located; or

1-42 (6) ~~[(5)]~~ the sheriff or constable[, if no person is
1-43 available under Subdivision (1), (2), (3), or (4)].

1-44 (a-1) A person who under Subsection (a)(1), (2), or (6) is
1-45 authorized by the court to transport a person to a mental health
1-46 facility may contract with a qualified transportation service
1-47 provider that is included on the list established and maintained as
1-48 required by Section 574.0455 by the commissioners court of the
1-49 county in which the court is located to provide the transportation
1-50 authorized by the court.

1-51 SECTION 2. Subchapter D, Chapter 574, Health and Safety
1-52 Code, is amended by adding Section 574.0455 to read as follows:

1-53 Sec. 574.0455. LIST OF QUALIFIED TRANSPORTATION SERVICE
1-54 PROVIDERS. (a) The commissioners court of a county may:

1-55 (1) establish and maintain a list of qualified
1-56 transportation service providers that a court may authorize or with
1-57 whom a person may contract to transport a person to a mental health
1-58 facility in accordance with Section 574.045;

1-59 (2) establish an application procedure for a person to
1-60 be included on the list, including an appropriate application fee
1-61 to be deposited in the county general fund;

1-62 (3) contract with qualified transportation service
1-63 providers on terms acceptable to the county;

2-1 (4) allow officers and employees of the county to
2-2 utilize persons on the list on a rotating basis if the officer or
2-3 employee is authorized to provide transportation under Section
2-4 574.045 and chooses to utilize a qualified transportation service
2-5 provider in accordance with the terms of the contract approved by
2-6 the commissioners court; and

2-7 (5) ensure that the list is made available to any
2-8 person authorized to provide transportation under Section 574.045.

2-9 (b) The Department of State Health Services shall prescribe
2-10 uniform standards:

2-11 (1) that a person must meet to be listed as a qualified
2-12 transportation service provider under Subsection (a); and

2-13 (2) prescribing requirements relating to how the
2-14 transportation of a person to a mental health facility by a
2-15 qualified transportation service provider is provided.

2-16 SECTION 3. This Act takes effect September 1, 2011.

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