

House Bill 167
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(a-1) A person who under Subsection (a)(1), (2), (3), or (5) is

SENATE VERSION (CS)

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

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(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 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 [~~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, unless the representative notifies the court that local mental health authority personnel are not qualified to ensure the safety of the patient during transport;

(5) 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

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

(a-1) A person who under Subsection (a)(1), (2), or (6) is

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authorized by the court to transport a person to a mental health facility may 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. Subchapter D, Chapter 574, Health and Safety Code, is amended by adding Section 574.0455 to read as follows:

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

(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) The Department of State Health Services shall prescribe

SENATE VERSION (CS)

authorized by the court to transport a person to a mental health facility may 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. Subchapter D, Chapter 574, Health and Safety Code, is amended by adding Section 574.0455 to read as follows:

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

(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) contract with qualified transportation service providers on terms acceptable to the county;

(4) allow officers and employees of the county to utilize 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 utilize a qualified transportation service provider in accordance with the terms of the contract approved by the commissioners court; and

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

(b) The Department of State Health Services shall prescribe

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uniform standards that a person must meet to be listed as a qualified transportation service provider under Subsection (a).

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

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uniform standards:

(1) that a person must meet to be listed as a qualified transportation service provider under Subsection (a); and
(2) prescribing requirements relating to how the transportation of a person to a mental health facility by a qualified transportation service provider is provided.

SECTION 3. Same as House version.

CONFERENCE