

1-1 By: West S.B. No. 344
 1-2 (In the Senate - Filed December 16, 2016; January 30, 2017,
 1-3 read first time and referred to Committee on Health & Human
 1-4 Services; April 10, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 April 10, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 344 By: Uresti

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the authority of emergency medical services personnel
 1-22 of certain emergency medical services providers to transport a
 1-23 person for emergency detention.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-25 SECTION 1. Subchapter A, Chapter 573, Health and Safety
 1-26 Code, is amended by adding Section 573.0001 to read as follows:

1-27 Sec. 573.0001. DEFINITIONS. In this chapter:
 1-28 (1) "Emergency medical services personnel" and
 1-29 "emergency medical services provider" have the meanings assigned by
 1-30 Section 773.003.

1-31 (2) "Law enforcement agency" has the meaning assigned
 1-32 by Article 59.01, Code of Criminal Procedure.

1-33 SECTION 2. Section 573.001(d), Health and Safety Code, is
 1-34 amended to read as follows:

1-35 (d) A peace officer who takes a person into custody under
 1-36 Subsection (a) shall immediately:

1-37 (1) transport the apprehended person to:
 1-38 (A) ~~[(1)]~~ the nearest appropriate inpatient
 1-39 mental health facility; or

1-40 (B) ~~[(2)]~~ a mental health facility deemed
 1-41 suitable by the local mental health authority, if an appropriate
 1-42 inpatient mental health facility is not available; or

1-43 (2) transfer the apprehended person to emergency
 1-44 medical services personnel of an emergency medical services
 1-45 provider in accordance with a memorandum of understanding executed
 1-46 under Section 573.005 for transport to a facility described by
 1-47 Subdivision (1)(A) or (B).

1-48 SECTION 3. Sections 573.002(a), (d), and (e), Health and
 1-49 Safety Code, are amended to read as follows:

1-50 (a) A peace officer shall immediately file with a facility a
 1-51 notification of detention after transporting a person to that
 1-52 facility in accordance with Section 573.001. Emergency medical
 1-53 services personnel of an emergency medical services provider who
 1-54 transport a person to a facility at the request of a peace officer
 1-55 made in accordance with a memorandum of understanding executed
 1-56 under Section 573.005 shall immediately file with the facility the
 1-57 notification of detention completed by the peace officer who made
 1-58 the request.

1-59 (d) The peace officer shall provide ~~give~~ the notification
 1-60 of detention on the following form:

2-1 Notification--Emergency Detention NO. _____
2-2 DATE:_____ TIME:_____
2-3 THE STATE OF TEXAS
2-4 FOR THE BEST INTEREST AND PROTECTION OF:

2-5 _____
2-6 NOTIFICATION OF EMERGENCY DETENTION

2-7 Now comes _____, a peace officer with
2-8 (name of agency) _____, of the State of
2-9 Texas, and states as follows:

- 2-10 1. I have reason to believe and do believe that (name of person to
2-11 be detained) _____ evidences mental illness.
2-12 2. I have reason to believe and do believe that the above-named
2-13 person evidences a substantial risk of serious harm to
2-14 himself/herself or others based upon the following:

2-15 _____
2-16 _____
2-17 _____
2-18 _____

2-19 3. I have reason to believe and do believe that the above risk of
2-20 harm is imminent unless the above-named person is immediately
2-21 restrained.

2-22 4. My beliefs are based upon the following recent behavior, overt
2-23 acts, attempts, statements, or threats observed by me or reliably
2-24 reported to me:

2-25 _____
2-26 _____
2-27 _____
2-28 _____

2-29 5. The names, addresses, and relationship to the above-named
2-30 person of those persons who reported or observed recent behavior,
2-31 acts, attempts, statements, or threats of the above-named person
2-32 are (if applicable):

2-33 _____
2-34 _____
2-35 _____
2-36 _____

2-37 For the above reasons, I present this notification to seek
2-38 temporary admission to the (name of facility)
2-39 _____ inpatient mental health facility or
2-40 hospital facility for the detention of (name of person to be
2-41 detained) _____ on an emergency basis.

2-42 6. Was the person restrained in any way? Yes No
2-43 _____ BADGE NO. _____

2-44 PEACE OFFICER'S SIGNATURE
2-45 Address: _____ Zip Code: _____
2-46 Telephone: _____
2-47 _____

2-48 SIGNATURE OF EMERGENCY MEDICAL SERVICES PERSONNEL (if applicable)
2-49 Address: _____ Zip Code: _____
2-50 Telephone: _____

2-51 A mental health facility or hospital emergency department may not
2-52 require a peace officer or emergency medical services personnel to
2-53 execute any form other than this form as a predicate to accepting
2-54 for temporary admission a person detained by a peace officer under
2-55 Section 573.001, [Texas] Health and Safety Code, and transported by
2-56 the officer under that section or by emergency medical services
2-57 personnel of an emergency medical services provider at the request
2-58 of the officer made in accordance with a memorandum of
2-59 understanding executed under Section 573.005, Health and Safety
2-60 Code.

2-61 (e) A mental health facility or hospital emergency
2-62 department may not require a peace officer or emergency medical
2-63 services personnel to execute any form other than the form provided
2-64 by Subsection (d) as a predicate to accepting for temporary
2-65 admission a person detained by a peace officer under Section
2-66 573.001 and transported by the officer under that section or by
2-67 emergency medical services personnel of an emergency medical
2-68 services provider at the request of the officer made in accordance
2-69 with a memorandum of understanding executed under Section 573.005.

3-1 SECTION 4. Subchapter A, Chapter 573, Health and Safety
3-2 Code, is amended by adding Section 573.005 to read as follows:

3-3 Sec. 573.005. TRANSPORTATION FOR EMERGENCY DETENTION BY
3-4 EMERGENCY MEDICAL SERVICES PROVIDER; MEMORANDUM OF UNDERSTANDING.

3-5 (a) A law enforcement agency and an emergency medical services
3-6 provider may execute a memorandum of understanding under which
3-7 emergency medical services personnel employed by the provider may
3-8 transport a person taken into custody under Section 573.001 by a
3-9 peace officer employed by the law enforcement agency.

3-10 (b) A memorandum of understanding must:

3-11 (1) address responsibility for the cost of
3-12 transporting the person taken into custody; and

3-13 (2) be approved by the county in which the law
3-14 enforcement agency is located and the local mental health authority
3-15 that provides services in that county with respect to provisions of
3-16 the memorandum that address the responsibility for the cost of
3-17 transporting the person.

3-18 (c) A peace officer may request that emergency medical
3-19 services personnel transport a person taken into custody by the
3-20 officer under Section 573.001 only if:

3-21 (1) the law enforcement agency that employs the
3-22 officer and the emergency medical services provider that employs
3-23 the personnel have executed a memorandum of understanding under
3-24 this section; and

3-25 (2) the officer determines that transferring the
3-26 person for transport is safe for both the person and the personnel.

3-27 (d) Emergency medical services personnel may, at the
3-28 request of a peace officer, transport a person taken into custody by
3-29 the officer under Section 573.001 to the appropriate facility, as
3-30 provided by that section, if the law enforcement agency that
3-31 employs the officer and the emergency medical services provider
3-32 that employs the personnel have executed a memorandum of
3-33 understanding under this section.

3-34 (e) A peace officer who transfers a person to emergency
3-35 medical services personnel under a memorandum of understanding
3-36 executed under this section for transport to the appropriate
3-37 facility must provide:

3-38 (1) to the person the notice described by Section
3-39 573.001(g); and

3-40 (2) to the personnel a completed notification of
3-41 detention about the person on the form provided by Section
3-42 573.002(d).

3-43 SECTION 5. Section 573.021(a), Health and Safety Code, is
3-44 amended to read as follows:

3-45 (a) A facility shall temporarily accept a person for whom an
3-46 application for detention is filed or for whom a peace officer or
3-47 emergency medical services personnel of an emergency medical
3-48 services provider transporting the person in accordance with a
3-49 memorandum of understanding executed under Section 573.005 files a
3-50 notification of detention completed by the peace officer under
3-51 Section 573.002(a).

3-52 SECTION 6. This Act takes effect immediately if it receives
3-53 a vote of two-thirds of all the members elected to each house, as
3-54 provided by Section 39, Article III, Texas Constitution. If this
3-55 Act does not receive the vote necessary for immediate effect, this
3-56 Act takes effect September 1, 2017.

3-57

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