

By: Howard

H.B. No. 1656

A BILL TO BE ENTITLED

AN ACT

1
2 relating to emergency detention by a paramedic of certain persons
3 with mental illness for preliminary examination at a mental health
4 facility.

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

6 SECTION 1. Section 573.0001, Health and Safety Code, is
7 amended by adding Subdivisions (3) and (4) to read as follows:

8 (3) "Medical director" means a licensed physician who
9 supervises the provision of emergency medical services by a public
10 or private entity that:

11 (A) provides those services; and

12 (B) employs one or more paramedics.

13 (4) "Paramedic" means a person licensed under Chapter
14 773 as a licensed paramedic.

15 SECTION 2. Subchapter A, Chapter 573, Health and Safety
16 Code, is amended by adding Sections 573.006 and 573.007 to read as
17 follows:

18 Sec. 573.006. DETENTION BY PARAMEDIC FOR PRELIMINARY
19 EXAMINATION. (a) A paramedic may detain a person for preliminary
20 examination under Section 573.021 at a mental health facility,
21 regardless of the person's age, if the paramedic:

22 (1) is specifically authorized to detain a person
23 under this subsection by the medical director for the entity that
24 employs or contracts with the paramedic;

1 (2) has reason to believe and does believe that:

2 (A) the person is a person with mental illness;

3 and

4 (B) because of that mental illness there is a
5 substantial risk of serious harm to the person or others unless the
6 person is immediately restrained; and

7 (3) believes that there is not sufficient time to
8 obtain a warrant or for a peace officer to take the person into
9 custody.

10 (b) A substantial risk of serious harm to the person or
11 others under Subsection (a)(2)(B) may be demonstrated by:

12 (1) the person's behavior; or

13 (2) evidence of severe emotional distress and
14 deterioration in the person's mental condition to the extent that
15 the person cannot remain at liberty.

16 (c) The paramedic may form the belief that the person meets
17 the criteria for detention under this section based on:

18 (1) a representation made by a credible person; or

19 (2) the conduct of the detained person or the
20 circumstances under which the person is detained.

21 (d) A paramedic who detains a person under Subsection (a)
22 shall immediately transport the detained person to:

23 (1) the nearest appropriate inpatient mental health
24 facility; or

25 (2) a mental health facility deemed suitable by the
26 local mental health authority, if an appropriate inpatient mental
27 health facility is not available.

1 (e) A paramedic who detains a person under Subsection (a) at
2 a mental health facility described by Subsection (d)(1) or (2)
3 shall immediately inform the person orally in simple, nontechnical
4 terms:

5 (1) of the reason for the detention; and

6 (2) that a staff member of the facility will inform the
7 person of the person's rights within 24 hours after the time the
8 person is admitted to the facility, as provided by Section
9 573.025(b).

10 Sec. 573.007. PARAMEDIC'S NOTIFICATION OF DETENTION. (a)

11 A paramedic shall immediately file with a mental health facility a
12 notification of detention after transporting a person to that
13 facility in accordance with Section 573.006.

14 (b) The paramedic's notification of detention must contain:

15 (1) a statement that the paramedic has reason to
16 believe and does believe that the person evidences mental illness;

17 (2) a statement that the paramedic has reason to
18 believe and does believe that the person evidences a substantial
19 risk of serious harm to the person or others;

20 (3) a specific description of the risk of harm;

21 (4) a statement that the paramedic has reason to
22 believe and does believe that the risk of harm is imminent unless
23 the person is immediately restrained;

24 (5) a statement that the paramedic's beliefs are
25 derived from specific recent behavior, overt acts, attempts, or
26 threats that were observed by or reliably reported to the
27 paramedic;

1 (6) a detailed description of the specific behavior,
2 acts, attempts, or threats; and

3 (7) the name and relationship to the detained person
4 of any person who reported or observed the behavior, acts,
5 attempts, or threats.

6 (c) The mental health facility where the person is detained
7 shall include in the detained person's clinical file the
8 notification of detention described by this section.

9 (d) The paramedic shall provide the notification of
10 detention on the following form:

11 Notification--Emergency Detention NO. _____

12 DATE:_____ TIME:_____

13 THE STATE OF TEXAS

14 FOR THE BEST INTEREST AND PROTECTION OF:

15 _____

16 NOTIFICATION OF EMERGENCY DETENTION

17 Now comes _____, a licensed paramedic
18 employed by (name of employing entity) _____
19 and authorized by (name of medical director) _____ to make
20 emergency detentions, and states as follows:

21 1. I have reason to believe and do believe that (name of person to
22 be detained) _____ evidences mental illness.

23 2. I have reason to believe and do believe that the above-named
24 person evidences a substantial risk of serious harm to
25 himself/herself or others based upon the following:

26 _____

27 _____

1 _____
2 _____
3 3. I have reason to believe and do believe that the above risk of
4 harm is imminent unless the above-named person is immediately
5 restrained.

6 4. My beliefs are based upon the following recent behavior, overt
7 acts, attempts, or threats observed by me or reliably reported to
8 me:

9 _____
10 _____
11 _____
12 _____

13 5. The names, addresses, and relationship to the above-named
14 person of those persons who reported or observed recent behavior,
15 acts, attempts, or threats of the above-named person are (if
16 applicable):

17 _____
18 _____
19 _____
20 _____

21 For the above reasons, I present this notification to seek
22 temporary admission to the (name of facility)
23 _____ inpatient mental health facility or
24 hospital facility for the detention of (name of person to be
25 detained) _____ on an emergency basis.

26 6. Was the person restrained in any way? Yes No

27 _____

1 PARAMEDIC'S SIGNATURE

2 Address: _____ Zip Code: _____

3 Telephone: _____

4 A mental health facility or hospital emergency department may not
5 require a paramedic to execute any form other than this form as a
6 predicate to accepting for temporary admission a person detained by
7 a paramedic under Section 573.006, Health and Safety Code, and
8 transported by the paramedic under that section.

9 (e) A mental health facility or hospital emergency
10 department may not require a paramedic to execute any form other
11 than the form provided by Subsection (d) as a predicate to accepting
12 for temporary admission a person detained by a paramedic under
13 Section 573.006 and transported by the paramedic under that
14 section.

15 SECTION 3. Section 573.021(a), Health and Safety Code, is
16 amended to read as follows:

17 (a) A facility shall temporarily accept and detain a person
18 for whom:

19 (1) an application for detention is filed;

20 (2) [~~or for whom~~] a peace officer or emergency medical
21 services personnel of an emergency medical services provider
22 transporting the person in accordance with a memorandum of
23 understanding executed under Section 573.005 files a notification
24 of detention completed by the peace officer under Section
25 573.002(a); or

26 (3) a paramedic detaining and transporting the person
27 under Section 573.006 files a notification of detention under

1 Section 573.007.

2 SECTION 4. The changes in law made by this Act apply only to
3 an emergency detention that begins on or after the effective date of
4 this Act. An emergency detention that begins before the effective
5 date of this Act is governed by the law as it existed immediately
6 before that date, and that law is continued in effect for that
7 purpose.

8 SECTION 5. This Act takes effect September 1, 2025.