

BILL ANALYSIS

C.S.H.B. 2967
By: Martinez
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, under the Health and Safety Code, a court can order local municipal police officers who are certified for mental health assignments, sheriffs, or constables to transport committed patients or certain detained patients to a designated mental health facility. The transportation is provided at the expense of the county or municipality. If the local designated mental health facility does not have a bed for the patient, the municipal officer, sheriff, or constable is required to transport the patient to the closest facility, which may be 150 to 500 miles away. This is done without any sort of reimbursement from the State. This costs the county and municipality in dollars as well as in work-hours. This also places an undue strain on county and local budgets, as well as on personnel.

C.S.H.B. 2967 establishes an order of priority in a county located on the Texas -Mexico border that has a population of 500,000 or more and is adjacent to two or more counties each of which has a population of 50,000 or more, for the transportation of committed or detained patients, and addresses various methods for reimbursement of expenses. Reimbursement by the State is expressly made contingent upon the appropriation of funds for that purpose.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill provides that, in a county located on the Texas-Mexico border that has a population of 500,000 or more and is adjacent to two or more counties each of which has a population of 50,000 or more, the court may authorize the transportation of patients to a designated mental health facility, in the following order of priority:

- a relative or other responsible person who has a proper interest in the patient's welfare
- the facility administrator of the designated mental health facility
- a representative of the local mental health authority
- a special officer for mental health assignment
- a sheriff or constable, if none of the above are available.

The bill also authorizes the above persons to contract with a third party qualified to provide the transportation services.

In certain circumstances as described in the bill, reimbursement of expenses is to be made by the Department of State Health Services, provided that money is appropriated for that purpose.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill had statewide application. The application of the substitute bill is restricted to a county located on the Texas-Mexico border that has a population of 500,000 or more and is adjacent to two or more counties each of which has a population of 50,000 or more.

The substitute bill adds the provision relating to contracting with a third party for transportation services.

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