

BILL ANALYSIS

C.S.H.B. 96
By: Martinez, "Mando"
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, under the Health and Safety Code, a court can require local municipal peace officers, sheriffs, or constables to transport individuals to a mental health facility. If the local mental health facility does not have a bed for the patient, the municipal peace officer, sheriff, or constable is required to transport the patient to the closest facility which may be 150 to 500 miles away. The transportation is provided at the expense of the county or municipality without any sort of reimbursement. This costs the county and municipality in dollars as well as in work-hours and places an undue strain on county and local budgets as well as on personnel.

C.S.H.B. 96 establishes an order of priority of who is responsible for the transportation of the individuals for certain counties along the Texas-Mexico Border. Additionally, this bill requires the reimbursement of the expenses associated with the transportation of the individual. The Department of State Health Services will be required to be responsible for the reimbursement. If so desired, third parties are authorized to provide the transportation services, as established and maintained by the county commissioners court.

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

C.S.H.B. 96 provides that a judge or magistrate, 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 at least 50,000, is authorized to follow a priority listing for the transportation of an individual, apprehended under Section 573.012 of the Health and Safety Code, to the appropriate mental health facility.

The substitute provides the following order of priority: (1) a relative or other responsible person who has a proper interest in the person's welfare and who receives no remuneration, except for actual and necessary expenses; (2) the facility administrator of the designated mental health facility, unless the administrator notifies the judge or magistrate that facility personnel are not available to transport the person; (3) a representative of the local mental health authority, who will require reimbursement by the county; (4) a special officer for mental health assignment certified under Section 1701.404 of the Occupations Code, who will require reimbursement by the Department of State Health Services from money appropriated for that purpose, or if money is not appropriated for that purpose, as provided by Section 571.018; or (5) the sheriff or constable, if no person authorized is available, who will require reimbursement by the Department of State Health Services from money appropriated for that purpose, or if money is not appropriated for that purpose, as provided by Section 571.018.

Furthermore, a person listed above is authorized to contract with a third party who is listed as a qualified transportation service provider by the commissioners court of the county in which the court is located.

The substitute further amends the Health and Safety Code by providing that such county commissioners courts are required to: (1) establish and maintain a list of qualified transportation service providers that a person is authorized to contract with; (2) prescribe uniform standards that a person must meet to be listed as a qualified transportation service provider; (3) 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; (4) require officers and employees of the county to contract with persons on the list on a rotating basis; and (5) ensure that the list is made available to any person who is authorized to provide transportation.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 96 modifies the original by amending Section 573.012 of the Health and Safety Code instead of Section 574.045 of the Health and Safety Code. Additionally, the substitute adds that the commissioners' court of the county will establish and maintain the list of qualified transportation service providers.