

BILL ANALYSIS

H.B. 89
By: Martinez, "Mando"
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently under the Health and Safety Code, a court can order local municipal peace officers, sheriffs, or constables to transport committed patients or certain detained patients to a designated mental health facility 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 peace officer, sheriff, or constable is required to transport the patient to the closest facility, which may be anywhere from 150 to 500 miles away. There is no reimbursement for this transportation and the requirement can put an undue strain on county and local budgets, as well as personnel.

H.B. 89 establishes an order of priority for responsibility of transporting patients for whom a judge or magistrate has ordered emergency apprehension and detention in certain counties along the Texas-Mexico border. The bill authorizes certain third parties to provide the transportation services and makes the Department of State Health Services responsible for reimbursement for the transportation of patients by local municipal peace officers, sheriffs, or constables and a special officer for mental health assignment.

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

H.B. 89 amends the Health and Safety Code to authorize the judge or magistrate of a county located on the Texas-Mexico border that has a population of 500,000 or more and adjacent to two or more counties each of which has a population of 50,000 or more to authorize the transportation to the appropriate mental health facility of a person for whom the judge or magistrate has ordered an emergency apprehension and detention by one of the following individuals, in order of priority as listed below:

- a relative or other responsible person who has a proper interest in the person's welfare and who does not receive remuneration except for actual and necessary expenses;
- the facility administrator of the appropriate mental health facility, unless the administrator indicates facility personnel are not available;
- a representative of the local mental health authority, to be reimbursed by the county;
- a special officer for mental health assignment certified by the Commission on Law Enforcement Officer Standards and Education, to be reimbursed by the Department of State Health Services; or
- the sheriff or constable, to be reimbursed by the Department of State Health Services.

H.B. 89 authorizes an individual authorized to transport a person to a mental health facility to contract for the transportation with a person listed as a qualified transportation service provider by the commissioners court of the county in which the court is located.

H.B. 89 requires the commissioners court of 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 to: establish and maintain a list of qualified transportation service providers with whom a person may contract to transport a person to a mental health facility; prescribe uniform standards for inclusion on the list as a qualified transportation provider; establish an application procedure for inclusion on the list; require county officers and employees to contract with persons on the list, on a rotating basis, when authorized to provide transportation of a person to a mental health facility; and ensure that the list is made available to any other person authorized to provide such transportation.

EFFECTIVE DATE

September 1, 2009.