

By: Martinez

H.B. No. 89

A BILL TO BE ENTITLED

AN ACT

relating to the transportation of certain mental health patients.

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

SECTION 1. Section 573.012, Health and Safety Code, is amended by adding Subsections (j) and (k) to read as follows:

(j) 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 judge or magistrate may authorize, in the following order of priority, the transportation of a person apprehended under this section to the appropriate mental health facility by:

(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 appropriate mental health facility, unless the administrator notifies the judge or magistrate that facility personnel are not available to transport the patient;

(3) a representative of the local mental health authority, who shall be reimbursed by the county;

(4) a special officer for mental health assignment certified under Section 1701.404, Occupations Code, who shall be reimbursed by the Department of State Health Services from money appropriated for that purpose, or if money is not appropriated for

1 that purpose, as provided by Section 571.018; or

2 (5) the sheriff or constable, if no person is
3 available under Subdivision (1), (2), (3), or (4), who shall be
4 reimbursed by the Department of State Health Services from money
5 appropriated for that purpose, or if money is not appropriated for
6 that purpose, as provided by Section 571.018.

7 (k) A person who under Subsection (j) is authorized by the
8 court to transport a person to a mental health facility may contract
9 with a person that is listed as a qualified transportation service
10 provider by the commissioners court of the county in which the court
11 is located to provide the transportation authorized by the court.

12 SECTION 2. Subchapter B, Chapter 573, Health and Safety
13 Code, is amended by adding Section 573.013 to read as follows:

14 Sec. 573.013. LIST OF QUALIFIED TRANSPORTATION SERVICE
15 PROVIDERS. The commissioners court of a county located on the
16 Texas-Mexico border that has a population of 500,000 or more and is
17 adjacent to two or more counties each of which has a population of
18 50,000 or more, by order shall:

19 (1) establish and maintain a list of qualified
20 transportation service providers with whom a person may contract in
21 accordance with Section 573.012;

22 (2) prescribe uniform standards that a person must
23 meet to be listed as a qualified transportation service provider;

24 (3) establish an application procedure for a person to
25 be included on the list, including an appropriate application fee
26 to be deposited in the county general fund;

27 (4) require officers and employees of the county to

1 contract with persons on the list, on a rotating basis, when the
2 officer or employee is authorized to provide transportation under
3 Section 573.012(j)(5); and

4 (5) ensure that the list is made available to any
5 person authorized to provide transportation under Section 573.012.

6 SECTION 3. This Act takes effect September 1, 2009.