

## **BILL ANALYSIS**

C.S.H.B. 167  
By: Raymond  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Certain mental health patients can be transferred to a designated health facility only by certain authorized persons, including a sheriff's department. The increased number of patients being transferred from a prison to a mental health facility is straining the resources of some sheriff's departments responsible for the transfer. Moreover, many sheriff's departments are not adequately equipped to manage mentally ill patients. C.S.H.B. 167 seeks to address this issue by providing for a prioritized list of persons authorized to transport certain mental health patients to a mental facility and by authorizing contracting with certain qualified transportation service providers for the transportation.

### **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. 167 amends the Health and Safety Code to include among the persons by whom a court may authorize the transportation of certain mental health patients to a designated mental health facility for the purposes of emergency detention or a protective custody order a qualified transportation service provider selected from the list of such providers established and maintained by the commissioner's court of the county in which the court authorizing the transportation is located. The bill removes a relative or other responsible person who has a proper interest in the patient's welfare from the list of such authorized persons.

C.S.H.B. 167 establishes the following order of priority for the list of persons by whom a court may authorize such transportation: a certified special officer for mental health assignment, the facility administrator of the designated mental health facility, a representative of the local mental health authority, a qualified transportation service provider selected from the list established and maintained by the commissioner's court of the county in which the court authorizing the transportation is located, or the sheriff or constable. The bill removes the condition that the facility administrator of the designated mental health facility notify the court that facility personnel are available to transport such a patient before the court may authorize the transportation by the facility and instead creates an exception to a court's authority when the court is notified by the administrator that facility personnel are unavailable to transport the patient.

C.S.H.B. 167 authorizes a special officer for mental health assignment, the facility administrator of a designated mental health facility, a representative of a mental health authority, or the sheriff or constable who is authorized by the court to transport a person to a mental health facility to contract with a qualified transportation service provider that is included on the list established and maintained by the commissioner's court of the county in which the court is located to provide the transportation authorized by the court.

C.S.H.B. 167 requires the commissioners court of a county to establish and maintain a list of qualified transportation service providers that a court may authorize or with whom a person may contract to transport a person to a designated mental health facility for the purposes of emergency detention or a protective custody order; 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; allow officers and employees of the county to contract with persons on the list on a rotating basis if the officer or employee is authorized to provide such transportation and chooses to contract with a qualified transportation service provider; and ensure that the list is made available to any person authorized to provide such transportation. The bill requires the Department of State Health Services to prescribe uniform standards that a person is required to meet to be listed as a qualified service provider. The bill makes conforming changes.

#### **EFFECTIVE DATE**

September 1, 2011.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 167 differs from the original by adding certain qualified transportation service providers to the prioritized list of persons by whom a court may authorize the transportation of certain mental health patients to a designated mental health facility for the purposes of emergency detention or a protective custody order, whereas the original makes no such addition. The substitute differs from the original by removing from that list a relative or other responsible person who has a proper interest in the patient's welfare, whereas the original retains such a person on the list.

C.S.H.B. 167 contains a provision not included in the original authorizing certain persons authorized to transport a person to a mental health facility to contract with a qualified transportation service provider that is included on the list established and maintained by the commissioners court of the county in which the court is located to provide the transportation of certain mental health patients.

C.S.H.B. 167 contains provisions not included in the original requiring the commissioners court of a county to establish and maintain a list of qualified transportation service providers that a court may authorize or with whom a person may contract to transport a person to a mental health facility, establish an application procedure for a person to be included on the list, allow certain authorized officers and employees of the county to contract with persons on the list on a rotating basis, and ensure that the list is made available to any person authorized to provide the applicable transportation. The substitute contains a provision not included in the original requiring the Department of State Health Services to prescribe uniform standards that a person is required to meet to be listed as a qualified transportation service provider.