

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Raymond

H.B. No. 167

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 574.045, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The court may authorize, in the following order of priority, the transportation of a committed patient or a patient detained under Section 573.022 or 574.023 to the designated mental health facility by:

(1) a special officer for mental health assignment certified under Section 1701.404, Occupations Code [~~a relative or other responsible person who has a proper interest in the patient's welfare and who receives no remuneration, except for actual and necessary expenses~~];

(2) the facility administrator of the designated mental health facility, unless [~~if~~] the administrator notifies the court that facility personnel are not available to transport the patient;

(3) [~~a special officer for mental health assignment certified under Section 1701.404, Occupations Code,~~

[~~4~~] a representative of the local mental health authority, who shall be reimbursed by the county;

(4) a qualified transportation service provider

1 selected from the list established and maintained as required by  
2 Section 574.0455 by the commissioners court of the county in which  
3 the court authorizing the transportation is located; or

4 (5) the sheriff or constable[~~, if no person is~~  
5 ~~available under Subdivision (1), (2), (3), or (4)].~~

6 (a-1) A person who under Subsection (a)(1), (2), (3), or (5)  
7 is authorized by the court to transport a person to a mental health  
8 facility may contract with a qualified transportation service  
9 provider that is included on the list established and maintained as  
10 required by Section 574.0455 by the commissioners court of the  
11 county in which the court is located to provide the transportation  
12 authorized by the court.

13 SECTION 2. Subchapter D, Chapter 574, Health and Safety  
14 Code, is amended by adding Section 574.0455 to read as follows:

15 Sec. 574.0455. LIST OF QUALIFIED TRANSPORTATION SERVICE  
16 PROVIDERS. (a) The commissioners court of a county shall:

17 (1) establish and maintain a list of qualified  
18 transportation service providers that a court may authorize or with  
19 whom a person may contract to transport a person to a mental health  
20 facility in accordance with Section 574.045;

21 (2) establish an application procedure for a person to  
22 be included on the list, including an appropriate application fee  
23 to be deposited in the county general fund;

24 (3) allow officers and employees of the county to  
25 contract with persons on the list on a rotating basis if the officer  
26 or employee is authorized to provide transportation under Section  
27 574.045 and chooses to contract with a qualified transportation

1 service provider; and

2 (4) ensure that the list is made available to any  
3 person authorized to provide transportation under Section 574.045.

4 (b) The Department of State Health Services shall prescribe  
5 uniform standards that a person must meet to be listed as a  
6 qualified transportation service provider under Subsection (a).

7 SECTION 3. This Act takes effect September 1, 2011.

**ADOPTED**

MAY 25 2017  
*Robert Drew*  
Secretary of the Senate

By: Zaffini

Substitute the following for H.B. No. 167:

By: Zaffini

H.B. No. 167

C.S. H.B. No. 167

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SECTION 1. Section 574.045, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The court may authorize, in the following order of priority, the transportation of a committed patient or a patient detained under Section 573.022 or 574.023 to the designated mental health facility by:

(1) a special officer for mental health assignment certified under Section 1701.404, Occupations Code [~~a relative or other responsible person who has a proper interest in the patient's welfare and who receives no remuneration, except for actual and necessary expenses~~];

(2) the facility administrator of the designated mental health facility, unless [~~if~~] the administrator notifies the court that facility personnel are not available to transport the patient;

(3) a relative or other responsible person who has a proper interest in the patient's welfare and who receives no remuneration, except for actual and necessary expenses [~~a special officer for mental health assignment certified under Section 1701.404, Occupations Code~~];

1           (4) a representative of the local mental health  
2 authority, who shall be reimbursed by the county, unless the  
3 representative notifies the court that local mental health  
4 authority personnel are not qualified to ensure the safety of the  
5 patient during transport;

6           (5) a qualified transportation service provider  
7 selected from the list established and maintained as required by  
8 Section 574.0455 by the commissioners court of the county in which  
9 the court authorizing the transportation is located; or

10          (6) [~~5~~] the sheriff or constable[~~, if no person is~~  
11 ~~available under Subdivision (1), (2), (3), or (4)].~~

12          (a-1) A person who under Subsection (a)(1), (2), or (6) is  
13 authorized by the court to transport a person to a mental health  
14 facility may contract with a qualified transportation service  
15 provider that is included on the list established and maintained as  
16 required by Section 574.0455 by the commissioners court of the  
17 county in which the court is located to provide the transportation  
18 authorized by the court.

19          SECTION 2. Subchapter D, Chapter 574, Health and Safety  
20 Code, is amended by adding Section 574.0455 to read as follows:

21          Sec. 574.0455. LIST OF QUALIFIED TRANSPORTATION SERVICE  
22 PROVIDERS. (a) The commissioners court of a county may:

23           (1) establish and maintain a list of qualified  
24 transportation service providers that a court may authorize or with  
25 whom a person may contract to transport a person to a mental health  
26 facility in accordance with Section 574.045;

27           (2) establish an application procedure for a person to

1 be included on the list, including an appropriate application fee  
2 to be deposited in the county general fund;

3 (3) contract with qualified transportation service  
4 providers on terms acceptable to the county;

5 (4) allow officers and employees of the county to  
6 utilize persons on the list on a rotating basis if the officer or  
7 employee is authorized to provide transportation under Section  
8 574.045 and chooses to utilize a qualified transportation service  
9 provider in accordance with the terms of the contract approved by  
10 the commissioners court; and

11 (5) ensure that the list is made available to any  
12 person authorized to provide transportation under Section 574.045.

13 (b) The Department of State Health Services shall prescribe  
14 uniform standards:

15 (1) that a person must meet to be listed as a qualified  
16 transportation service provider under Subsection (a); and

17 (2) prescribing requirements relating to how the  
18 transportation of a person to a mental health facility by a  
19 qualified transportation service provider is provided.

20 SECTION 3. This Act takes effect September 1, 2011.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 26, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB167** by Raymond (Relating to the transportation of certain mental health patients.), As  
**Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Section 574.045(a) of the Health and Safety Code to revise the order of priority of who the court may authorize to transport a patient committed or detained to a designated mental health facility.

The bill adds qualified transportation service providers selected from a list maintained by the commissioners court in a given county to the list of individuals authorized to transport a patient committed or detained to a designated mental health facility.

The Department of State Health Services and the Office of Court Administration anticipate that there will be no significant fiscal impact to the state associated with these provisions.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 537 State Health Services, Department of

**LBB Staff:** JOB, SD, CL, SJ, VJC, MB, JF, NB, BM, TB

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 20, 2011**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB167** by Raymond (Relating to the transportation of certain mental health patients.),  
**Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Section 574.045(a) of the Health and Safety Code to revise the order of priority of who the court may authorize to transport a patient committed or detained to a designated mental health facility.

The bill adds qualified transportation service providers selected from a list maintained by the commissioners court in a given county to the list of individuals authorized to transport a patient committed or detained to a designated mental health facility.

The Department of State Health Services and the Office of Court Administration anticipate that there will be no significant fiscal impact to the state associated with these provisions.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 537 State Health Services,  
Department of

**LBB Staff:** JOB, CL, SJ, VJC, MB, JF, NB, BM, TB



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 18, 2011**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB167** by Raymond (Relating to the transportation of certain mental health patients.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Section 574.045(a) of the Health and Safety Code to revise the order of priority of who the court may authorize to transport a patient committed or detained to a designated mental health facility.

The bill adds qualified transportation service providers selected from a list maintained by the commissioners court in a given county to the list of individuals authorized to transport a patient committed or detained to a designated mental health facility.

The Department of State Health Services and the Office of Court Administration anticipate that there will be no significant fiscal impact to the state associated with these provisions.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 537 State Health Services, Department of

**BB Staff:** JOB, CL, MB, JF, NB, BM, TB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 7, 2011**

**TO:** Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE:** **HB167** by Raymond (Relating to the transportation of certain mental health patients.),  
**Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Section 574.045(a) of the Health and Safety Code to revise the order of priority of who the court may authorize to transport a patient committed or detained to a designated mental health facility.

The bill adds qualified transportation service providers selected from a list maintained by the commissioners court in a given county to the list of individuals authorized to transport a patient committed or detained to a designated mental health facility.

The Department of State Health Services and the Office of Court Administration anticipate that there will be no significant fiscal impact to the state associated with these provisions.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 537 State Health Services, Department of

**LBB Staff:** JOB, CL, MB, JF, NB, BM, TB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 29, 2011**

**TO:** Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB167** by Raymond (Relating to the transportation of certain mental health patients.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Section 574.045(a) of the Health and Safety Code to revise the order of priority of who the court may authorize to transport a patient committed or detained to a designated mental health facility. The Department of State Health Services and the Office of Court Administration estimate there will be no significant fiscal impact to the state.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 537 State Health Services, Department of

**LBB Staff:** JOB, CL, MB, JF, NB, BM, TB