

By: Menendez

H.B. No. 245

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of emergency room physicians and certain
3 certified emergency medical services professionals to hold a person
4 believed to have a mental illness; establishing mental health
5 crisis intervention certification for certain emergency medical
6 services personnel.

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

8 SECTION 1. Section 573.001(d), Health and Safety Code, is
9 amended to read as follows:

10 (d) A peace officer who takes a person into custody under
11 Subsection (a) shall immediately transport the apprehended person
12 to:

13 (1) the nearest appropriate inpatient mental health
14 facility; ~~or~~

15 (2) a mental health facility deemed suitable by the
16 local mental health authority, if an appropriate inpatient mental
17 health facility is not available; or

18 (3) the nearest emergency room, if the person is in
19 need of emergency medical services.

20 SECTION 2. Subchapter A, Chapter 573, Health and Safety
21 Code, is amended by adding Section 573.005 to read as follows:

22 Sec. 573.005. EMERGENCY ROOM HOLD ON PERSON. (a) A
23 physician who is attending a person at a hospital emergency room or
24 an emergency medical services professional certified in mental

1 health crisis intervention, as described by Section 773.072, who is
2 providing emergency medical services to the person may hold the
3 person at the hospital emergency room if the physician or emergency
4 medical services professional has reason to believe and does
5 believe that the person is mentally ill and that because of that
6 mental illness there is a substantial risk of serious harm to the
7 person or to others unless the person is immediately restrained.
8 The physician or emergency medical services professional may hold
9 the person at the hospital emergency room for a period not to exceed
10 24 hours pending the arrival of a representative of the local mental
11 health authority or a peace officer able to transport the person to
12 an inpatient mental health facility for a preliminary examination.

13 (b) If at any time the physician or emergency medical
14 services professional determines that the person being held no
15 longer presents a substantial risk of serious harm to the person or
16 to others, the physician or emergency medical services professional
17 immediately shall release the person.

18 (c) If the physician or emergency medical services
19 professional holds or releases the person under this section, the
20 physician or emergency medical services professional immediately
21 shall notify the local mental health authority of the
22 circumstances.

23 (d) Section 573.025 and the rights provided by that section
24 apply to a person held under this section as if holding the person
25 under this section were a detention to which that section applies.

26 (e) It is an exception to prosecution under Section 20.02,
27 Penal Code, that the restraint of the person was in compliance with

1 this section.

2 SECTION 3. Subchapter C, Chapter 773, Health and Safety
3 Code, is amended by adding Section 773.072 to read as follows:

4 Sec. 773.072. MENTAL HEALTH CRISIS INTERVENTION TRAINING
5 AND CERTIFICATION. (a) The department by rule may establish
6 minimum requirements for the training and testing of certain
7 emergency medical services personnel in mental health crisis
8 intervention.

9 (b) The department may certify an emergency medical
10 technician, emergency medical technician--intermediate, emergency
11 medical technician--paramedic, or licensed paramedic in mental
12 health crisis intervention if the person:

13 (1) completes a training course administered by the
14 department on mental health issues and persons with mental illness;
15 and

16 (2) passes an examination administered by the
17 department that is designed to test the person's:

18 (A) knowledge and recognition of the
19 characteristics and symptoms of mental illness; and

20 (B) knowledge of mental health crisis
21 intervention strategies for persons with mental illness.

22 (c) The department may issue a professional achievement or
23 proficiency certificate to an emergency medical technician,
24 emergency medical technician--intermediate, emergency medical
25 technician--paramedic, or licensed paramedic who meets the
26 requirements of Subsection (b).

27 SECTION 4. This Act takes effect immediately if it receives

H.B. No. 245

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2013.