

AN ACT

relating to the transportation of certain patients to a mental health facility.

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

SECTION 1. Sections 574.045(a) and (a-1), Health and Safety Code, are amended 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;

(2) the facility administrator of the designated mental health facility, unless 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,~~

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

(4) ~~(5)]~~ 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) ~~(6)~~ the sheriff or constable; or

5 (6) a relative or other responsible person who has a  
6 proper interest in the patient's welfare and who receives no  
7 remuneration, except for actual and necessary expenses.

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

15 SECTION 2. Subchapter D, Chapter 574, Health and Safety  
16 Code, is amended by adding Section 574.0456 to read as follows:

17 Sec. 574.0456. TRANSPORTATION OF PATIENT TO ANOTHER  
18 STATE. A person may not transport a patient to a mental health  
19 facility in another state for court-ordered inpatient mental health  
20 services under this chapter unless transportation to that facility  
21 is authorized by a court order.

22 SECTION 3. This Act takes effect September 1, 2013.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 978 was passed by the House on April 18, 2013, by the following vote: Yeas 135, Nays 8, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 978 on May 21, 2013, by the following vote: Yeas 139, Nays 9, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 978 was passed by the Senate, with amendments, on May 17, 2013, by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor