

By: Riddle

H.B. No. 2711

A BILL TO BE ENTITLED

AN ACT

relating to transportation of an individual with a mental illness
by emergency medical services personnel.

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

SECTION 1. The heading to Subchapter A, Chapter 573, Health
and Safety Code, is amended to read as follows:

SUBCHAPTER A. APPREHENSION BY PEACE OFFICER OR TRANSPORTATION FOR
EMERGENCY DETENTION BY GUARDIAN OR EMERGENCY MEDICAL SERVICES
PERSONNEL

SECTION 2. Subchapter A, Chapter 573, Health and Safety
Code, is amended by adding Sections 573.0035 and 573.005 to read as
follows:

Sec. 573.0035. TRANSPORTATION FOR EMERGENCY DETENTION BY
EMERGENCY MEDICAL SERVICES PERSONNEL. (a) In this section,
"emergency medical care," "emergency medical services personnel,"
and "trauma services" have the meanings assigned by Section
773.003.

(b) Except as provided by Subsection (d), emergency medical
services personnel, without the assistance of a peace officer, may
transport a person directly to an inpatient mental health facility
for a preliminary examination in accordance with Section 573.021 if
the emergency medical services personnel have reason to believe and
do believe that:

(1) the person is mentally ill; and

1 (2) because of that mental illness, there is a
2 substantial risk of serious harm to the person or to others unless
3 the person is immediately restrained.

4 (c) A substantial risk of serious harm to the person or
5 others under Subsection (b)(2) may be demonstrated by:

6 (1) the person's behavior; or

7 (2) evidence of severe emotional distress and
8 deterioration in the person's mental condition to the extent that
9 the person cannot remain at liberty.

10 (d) Emergency medical services personnel may not transport
11 a person directly to an inpatient mental health facility if the
12 person requires emergency medical care or trauma services.

13 Sec. 573.005. EMERGENCY MEDICAL SERVICES PERSONNEL'S
14 APPLICATION FOR EMERGENCY DETENTION. (a) In this section,
15 "emergency medical services personnel" has the meaning assigned by
16 Section [773.003](#).

17 (b) After transporting a person to a facility under Section
18 573.0035, emergency medical services personnel shall immediately
19 file an application for detention with the facility.

20 (c) The application for detention must contain:

21 (1) a statement that the emergency medical services
22 personnel have reason to believe and do believe that the person
23 evidences mental illness;

24 (2) a statement that the emergency medical services
25 personnel have reason to believe and do believe that the person
26 evidences a substantial risk of serious harm to the person or
27 others;

1 (3) a specific description of the risk of harm;

2 (4) a statement that the emergency medical services
3 personnel have reason to believe and do believe that the risk of
4 harm is imminent unless the person is immediately restrained;

5 (5) a statement that the emergency medical services
6 personnel's beliefs are derived from specific recent behavior,
7 overt acts, attempts, or threats that were observed by the
8 emergency medical services personnel; and

9 (6) a detailed description of the specific behavior,
10 acts, attempts, or threats.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2015.