

## **BILL ANALYSIS**

C.S.H.B. 71  
By: Martinez, "Mando"  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties express concern regarding the strain on local budgets when county or municipal authorities are not reimbursed for transporting certain mental health patients to an appropriate mental health facility. C.S.H.B. 71 seeks to address this issue by providing for the transportation of these patients in certain counties and for related reimbursement.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 71 amends the Health and Safety Code to authorize a judge or magistrate in a county located on the Texas-Mexico border that has a population of 500,000 or more and is adjacent to two or more counties each of which has a population of 50,000 or more to authorize, in the following order of priority, the transportation of a person apprehended under a warrant for emergency mental health apprehension and detention to the appropriate mental health facility by a relative or other responsible person who has a proper interest in the apprehended person's welfare and who receives no remuneration, except for actual and necessary expenses; the facility administrator of the appropriate mental health facility, unless the administrator notifies the judge or magistrate that facility personnel are not available to transport the patient; a representative of the local mental health authority, who is required to be reimbursed by the county; a certified special officer for mental health assignment, who is required to be reimbursed by the Department of State Health Services (DSHS) from money appropriated for that purpose, or if money is not appropriated for that purpose, as specified for a hearing or proceeding under the Texas Mental Health Code; or the sheriff, a constable, or any on-duty peace officer if no other authorized person is available, who is required to be reimbursed by DSHS from money appropriated for that purpose, or if money is not appropriated for that purpose, as specified for a hearing or proceeding under the Texas Mental Health Code.

C.S.H.B. 71 authorizes a person authorized by the court to transport a person to a mental health facility to contract with a person listed as a qualified transportation service provider by the commissioners court of the county in which the court is located to provide the authorized transportation.

C.S.H.B. 71 requires the commissioners court of a county located on the Texas-Mexico border that has a population of 500,000 or more and is adjacent to two or more counties each of which has a population of 50,000 or more by order to establish and maintain a list of qualified transportation service providers with whom a person authorized by the court to transport a person to a mental health facility may contract; to prescribe uniform standards a person must meet to be listed as a qualified transportation service provider; to 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; to require officers and employees of the county to contract with persons on the list on a rotating basis when the officer or employee is a sheriff, constable, or an on-duty peace officer authorized by the court to transport a person to a mental health facility; to ensure that the list is made available to any person authorized by the court to transport a person to a mental health facility; and to establish a procedure for a person to be removed from the list not later than 30 days after the date the commissioners court receives notice that the person chooses to be removed.

### **EFFECTIVE DATE**

September 1, 2017.

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

While C.S.H.B. 71 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 573.012, Health and Safety Code, is amended.

SECTION 2. Subchapter B, Chapter 573, Health and Safety Code, is amended by adding Section 573.013 to read as follows:

Sec. 573.013. LIST OF QUALIFIED TRANSPORTATION SERVICE PROVIDERS.

The commissioners court of a county located on the Texas-Mexico border that has a population of 500,000 or more and is adjacent to two or more counties each of which has a population of 50,000 or more by order shall:

(1) establish and maintain a list of qualified transportation service providers with whom a person may contract in accordance with Section 573.012;

(2) prescribe uniform standards that a person must meet to be listed as a qualified transportation service provider;

(3) 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;

(4) require officers and employees of the county to contract with persons on the list,

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Subchapter B, Chapter 573, Health and Safety Code, is amended by adding Section 573.013 to read as follows:

Sec. 573.013. LIST OF QUALIFIED TRANSPORTATION SERVICE PROVIDERS.

The commissioners court of a county located on the Texas-Mexico border that has a population of 500,000 or more and is adjacent to two or more counties each of which has a population of 50,000 or more by order shall:

(1) establish and maintain a list of qualified transportation service providers with whom a person may contract in accordance with Section 573.012;

(2) prescribe uniform standards that a person must meet to be listed as a qualified transportation service provider;

(3) 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;

(4) require officers and employees of the county to contract with persons on the list,

on a rotating basis, when the officer or employee is authorized to provide transportation under Section 573.012(j)(5); and

(5) ensure that the list is made available to any person authorized to provide transportation under Section 573.012.

SECTION 3. This Act takes effect September 1, 2017.

on a rotating basis, when the officer or employee is authorized to provide transportation under Section 573.012(j)(5);

(5) ensure that the list is made available to any person authorized to provide transportation under Section 573.012; and

(6) establish a procedure for a person to be removed from the list not later than 30 days after the date the commissioners court receives notice that the person chooses to be removed.

SECTION 3. Same as introduced version.