

By: West, et al.  
(Sheffield)

S.B. No. 344

A BILL TO BE ENTITLED

AN ACT

relating to the authority of emergency medical services personnel of certain emergency medical services providers to transport a person for emergency detention.

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

SECTION 1. Subchapter A, Chapter 573, Health and Safety Code, is amended by adding Section 573.0001 to read as follows:

Sec. 573.0001. DEFINITIONS. In this chapter:

(1) "Emergency medical services personnel" and "emergency medical services provider" have the meanings assigned by Section 773.003.

(2) "Law enforcement agency" has the meaning assigned by Article 59.01, Code of Criminal Procedure.

SECTION 2. Section 573.001(d), Health and Safety Code, is amended to read as follows:

(d) A peace officer who takes a person into custody under Subsection (a) shall immediately:

(1) transport the apprehended person to:

(A) [~~(1)~~] the nearest appropriate inpatient mental health facility; or

(B) [~~(2)~~] a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available; or

(2) transfer the apprehended person to emergency

1 medical services personnel of an emergency medical services  
2 provider in accordance with a memorandum of understanding executed  
3 under Section 573.005 for transport to a facility described by  
4 Subdivision (1)(A) or (B).

5 SECTION 3. Sections 573.002(a), (d), and (e), Health and  
6 Safety Code, are amended to read as follows:

7 (a) A peace officer shall immediately file with a facility a  
8 notification of detention after transporting a person to that  
9 facility in accordance with Section 573.001. Emergency medical  
10 services personnel of an emergency medical services provider who  
11 transport a person to a facility at the request of a peace officer  
12 made in accordance with a memorandum of understanding executed  
13 under Section 573.005 shall immediately file with the facility the  
14 notification of detention completed by the peace officer who made  
15 the request.

16 (d) The peace officer shall provide [~~give~~] the notification  
17 of detention on the following form:

18 Notification--Emergency Detention NO. \_\_\_\_\_

19 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

20 THE STATE OF TEXAS

21 FOR THE BEST INTEREST AND PROTECTION OF:

22 \_\_\_\_\_

23 NOTIFICATION OF EMERGENCY DETENTION

24 Now comes \_\_\_\_\_, a peace officer with  
25 (name of agency) \_\_\_\_\_, of the State of  
26 Texas, and states as follows:

27 1. I have reason to believe and do believe that (name of person to

1 be detained) \_\_\_\_\_ evidences mental illness.

2 2. I have reason to believe and do believe that the above-named  
3 person evidences a substantial risk of serious harm to  
4 himself/herself or others based upon the following:

5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_

9 3. I have reason to believe and do believe that the above risk of  
10 harm is imminent unless the above-named person is immediately  
11 restrained.

12 4. My beliefs are based upon the following recent behavior, overt  
13 acts, attempts, statements, or threats observed by me or reliably  
14 reported to me:

15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_  
18 \_\_\_\_\_

19 5. The names, addresses, and relationship to the above-named  
20 person of those persons who reported or observed recent behavior,  
21 acts, attempts, statements, or threats of the above-named person  
22 are (if applicable):

23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_  
26 \_\_\_\_\_

27 For the above reasons, I present this notification to seek

1 temporary admission to the (name of facility)  
2 \_\_\_\_\_ inpatient mental health facility or  
3 hospital facility for the detention of (name of person to be  
4 detained) \_\_\_\_\_ on an emergency basis.

5 6. Was the person restrained in any way? Yes  No

6 \_\_\_\_\_ BADGE NO. \_\_\_\_\_

7 PEACE OFFICER'S SIGNATURE

8 Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

9 Telephone: \_\_\_\_\_

10 \_\_\_\_\_

11 SIGNATURE OF EMERGENCY MEDICAL SERVICES PERSONNEL (if applicable)

12 Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

13 Telephone: \_\_\_\_\_

14 A mental health facility or hospital emergency department may not  
15 require a peace officer or emergency medical services personnel to  
16 execute any form other than this form as a predicate to accepting  
17 for temporary admission a person detained by a peace officer under  
18 Section 573.001, [~~Texas~~] Health and Safety Code, and transported by  
19 the officer under that section or by emergency medical services  
20 personnel of an emergency medical services provider at the request  
21 of the officer made in accordance with a memorandum of  
22 understanding executed under Section 573.005, Health and Safety  
23 Code.

24 (e) A mental health facility or hospital emergency  
25 department may not require a peace officer or emergency medical  
26 services personnel to execute any form other than the form provided  
27 by Subsection (d) as a predicate to accepting for temporary

1 admission a person detained by a peace officer under Section  
2 573.001 and transported by the officer under that section or by  
3 emergency medical services personnel of an emergency medical  
4 services provider at the request of the officer made in accordance  
5 with a memorandum of understanding executed under Section 573.005.

6 SECTION 4. Subchapter A, Chapter 573, Health and Safety  
7 Code, is amended by adding Section 573.005 to read as follows:

8 Sec. 573.005. TRANSPORTATION FOR EMERGENCY DETENTION BY  
9 EMERGENCY MEDICAL SERVICES PROVIDER; MEMORANDUM OF UNDERSTANDING.

10 (a) A law enforcement agency and an emergency medical services  
11 provider may execute a memorandum of understanding under which  
12 emergency medical services personnel employed by the provider may  
13 transport a person taken into custody under Section 573.001 by a  
14 peace officer employed by the law enforcement agency.

15 (b) A memorandum of understanding must:

16 (1) address responsibility for the cost of  
17 transporting the person taken into custody; and

18 (2) be approved by the county in which the law  
19 enforcement agency is located and the local mental health authority  
20 that provides services in that county with respect to provisions of  
21 the memorandum that address the responsibility for the cost of  
22 transporting the person.

23 (c) A peace officer may request that emergency medical  
24 services personnel transport a person taken into custody by the  
25 officer under Section 573.001 only if:

26 (1) the law enforcement agency that employs the  
27 officer and the emergency medical services provider that employs

1 the personnel have executed a memorandum of understanding under  
2 this section; and

3 (2) the officer determines that transferring the  
4 person for transport is safe for both the person and the personnel.

5 (d) Emergency medical services personnel may, at the  
6 request of a peace officer, transport a person taken into custody by  
7 the officer under Section 573.001 to the appropriate facility, as  
8 provided by that section, if the law enforcement agency that  
9 employs the officer and the emergency medical services provider  
10 that employs the personnel have executed a memorandum of  
11 understanding under this section.

12 (e) A peace officer who transfers a person to emergency  
13 medical services personnel under a memorandum of understanding  
14 executed under this section for transport to the appropriate  
15 facility must provide:

16 (1) to the person the notice described by Section  
17 573.001(g); and

18 (2) to the personnel a completed notification of  
19 detention about the person on the form provided by Section  
20 573.002(d).

21 SECTION 5. Section 573.021(a), Health and Safety Code, is  
22 amended to read as follows:

23 (a) A facility shall temporarily accept a person for whom an  
24 application for detention is filed or for whom a peace officer or  
25 emergency medical services personnel of an emergency medical  
26 services provider transporting the person in accordance with a  
27 memorandum of understanding executed under Section 573.005 files a

1 notification of detention completed by the peace officer under  
2 Section 573.002(a).

3 SECTION 6. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2017.