

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 978
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Health & Human Services
5/15/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As the population of Texas grows, more persons are being incarcerated who need to be transferred to mental health facilities. Some patients require transportation to facilities across the state.

Under current law, it is the duty of law enforcement to transport persons with mental illness. The growing need for transportation of these patients is putting an increasing strain on the sheriffs' departments. Not only is a sheriff's department not equipped for medical transport, but it diverts resources from their primary function: protecting the citizens of Texas. Other parties that can adequately provide the same service are not being utilized.

C.S.H.B. 978 amends current law relating to the transportation of certain patients to a mental health facility.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 574.045(a) and (a-1), Health and Safety Code, as follows:

(a) Reorders the priority list by which the court may authorize the transportation of a committed patient or a patient declined under Section 573.022 (Emergency Admission and Detention) or 574.023 (Apprehension Under Order) by moving the existing text of Subdivision (3) to Subdivision (6) and renumbering existing Subdivisions (4), (5), and (6) as Subdivisions (3), (4), and (5), respectively.

(a-1) Authorizes a person who under Subsection (a)(1), (2), or (5), rather than under Subsections (a)(1), (2), or (6), is authorized by the court to transport a person to a mental health facility to contract with a qualified transportation service provider that is included on the list established and maintained as required by Section 574.0455 (List of Qualified Transportation Service Providers) by the commissioners court of the county in which the court is located to provide the transportation authorized by the court.

SECTION 2. Amends Subchapter D, Chapter 574, Health and Safety Code, by adding Section 574.0456, as follows:

Sec. 574.0456. TRANSPORTATION OF PATIENT TO ANOTHER STATE. Prohibits a person from transporting a patient to a mental health facility in another state for court-ordered inpatient mental health services under this chapter (Court-Ordered Mental Health Services) unless transportation to that facility is authorized by a court order.

SECTION 3. Effective date: September 1, 2013.