Mental Health Transport Issues

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Sheriff, Gregg County

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Where should I transport the person when detained under the Mental Health Code?

Section 573.001 (d) (1) (2) Health and Safety Code
How many state mental health hospitals are there in Texas and where are they located?
Longview Texas to El Paso Texas  762 miles
Austin Texas to El Paso Texas  576 miles
Can a person detained for an emergency detention be taken to a jail?

Section 573.001 (e) (f) Health and Safety Code
Can a civilian ever transport a person for emergency detention?

Section 573.003 (a) (1) (2) Health and Safety Code
We are called to transport a person on a court order. Shouldn't this be done by constables since this is a civil process? Are Texas peace officers the only ones who may transport these individuals?

Section 574.045 Health and Safety Code
Authority of a magistrate to designate a specific peace officer or law enforcement agency to execute an emergency detention warrant under subsection 573.012(d) of the Health and Safety Code

(Attorney General Opinion KP-0206)
Summary: A magistrate may direct an emergency detention warrant issued pursuant to subsection 573.012(d) of the Health and Safety Code to any on-duty peace officer listed in article 2.12 of the Code of Criminal Procedure, regardless of the location within the county of the person who is the subject of the warrant.
I have been told that when we transport a patient on a court order, we may not use a marked vehicle or be in uniform. Is this correct?

Section 574.045 (e) Health and Safety Code
May we restrain a patient we are transporting on a court order?

Section 574.045 (g) Health and Safety Code
The officers in our area have to wait with consumers while they are medically cleared before we can take the consumer to a mental health facility. Is this a requirement of the Health and Safety Code?
No. "An inpatient mental health facility or a mental health facility is not statutorily authorized to require a peace officer to transport a person in custody under chapter 573, Health and Safety Code, to a medical facility for a medical evaluation prior to taking that person to the mental facility."

Attorney General Opinion No. GA-0753
When we take a consumer to a hospital for medical clearance, the hospital tells us we have to wait with him/her as a security measure to ensure the person does not leave the hospital. Do we have to do this? Is this addressed in the Health and Safety Code?
There is no provision in chapter 573, Texas Health and Safety Code, that expressly requires a particular law enforcement agency to oversee a mentally ill person once the person has been transported to a facility pursuant to section 573.002 emergency detention order.

Attorney General Opinion No. GA-0877
LMHA
Local Mental Health Authority
## Local Taxing Authority Investment

<table>
<thead>
<tr>
<th></th>
<th>City</th>
<th>County</th>
<th>Other (e.g., Hospital District)</th>
<th>Total Local Taxing Authority Investment</th>
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</thead>
<tbody>
<tr>
<td>FY 2009</td>
<td>$2,858,986</td>
<td>$5,450,717</td>
<td>$5,089,887</td>
<td>$58,379,590</td>
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<td>FY 2010</td>
<td>$4,775,123</td>
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<td>$73,027,547</td>
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Population Served by Major Service Category (FY 2014)

- Mental Health: 57%
- Intellectual & Developmental Disabilities: 12%
- Substance Use Disorder: 7%
- Early Childhood Intervention: 7%
- Jail-based Screening/Assessment: 9%
- Veterans: 5%
- Other: 3%
Gregg County Program
Transportation of Patients
HSC Sec. 574.045

- Private Vehicle
- EMS Transport
- LMHA Transport
- Law Enforcement
LMHA GREGG COUNTY CONTRIBUTIONS

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<th>Fiscal Year</th>
<th>Contribution</th>
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<tr>
<td>FY14</td>
<td>$480,000</td>
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<td>FY15</td>
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<tr>
<td>FY16</td>
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<td>FY17</td>
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<tr>
<td>Year</td>
<td>Total Trips</td>
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<tr>
<td>2014</td>
<td>57</td>
</tr>
<tr>
<td>2015</td>
<td>53</td>
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<tr>
<td>2016</td>
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<td>2017</td>
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</tbody>
</table>
Mental Health Trips

FY18

Year to date: 2018
Total Trips: 11
Total Miles: 2,666

$250,000
Thank You