



Mental Health Crisis Transportation for Inpatient Care Assessment

Introduction

In Texas, local mental health authorities/local behavioral health authorities (LMHA/LBHAs) and law enforcement have both identified transportation as a barrier to helping people access needed inpatient mental health care.

Based on Texas statute, options are available for ensuring appropriate transportation for people experiencing a mental health crisis. These options may assist communities with ensuring a person's access to care at the right time and place while meeting public safety needs.

Texas Law

Texas Health and Safety Code (HSC) Chapter 573, Emergency Detention, and Chapter 574, Court-Ordered Mental Health Services, include options for providing crisis transportation to mental health facilities in certain circumstances.

Emergency Detentions

After detaining a person for the purpose of seeking a potential admission for *emergency detention*, law enforcement may provide the transportation to a mental health facility or may have a memorandum of understanding (MOU) with emergency medical services to provide the transportation. (HSC §573.001(d)). The MOU must address the funding source for emergency medical services transportation costs and be approved by the county and the LMHA/LBHA that serves the county as required under HSC §573.005(b).

After a person is admitted by a mental health facility on an emergency detention basis, the facility may also transport the person to another mental health facility deemed suitable by the LMHA/LBHA for the area as permitted under HSC §573.022(b). Additionally, a facility that has admitted a person for emergency

detention or to which a person has been transported under §573.022(b), may transfer the person to an appropriate mental health hospital with the written consent of the hospital administrator. (*Id.* at (c)).

Emergency Detentions and Persons Committed to an Inpatient Facility or Detained Under Protective Custody

After admission by a mental health facility on an emergency detention basis, for *persons committed to an inpatient facility, or for persons detained under protective custody*, transportation must occur in accordance with HSC §574.045 (See HSC §§ 573.025(a)(6), 573.026, and 574.045(a)). The section of the law offers two layers of options:

1. Subsection (a) authorizes the use of a prioritized list of parties considered most appropriate to provide transportation as follows:
 1. A Mental Health Deputy;
 2. Staff of the psychiatric hospital;
 3. Staff of the LMHA/LBHA that serves the county;
 4. A transportation service provider from the list made by the county commissioners court under Section 574.0455;
 5. The sheriff or constable; or
 6. A friend or relative of the person needing transportation.

Note: While law enforcement appears on the list above, Section 574.045(e) states that the person may not be transported in a marked police or sheriff's car or accompanied by a uniformed officer unless other transportation is not available; and

2. Subsection (a-1) allows certain parties under (a) to use a qualified transportation service provider included on the list established and maintained by the commissioner's court of the county under Section 574.0455.

Pursuant to Section 574.0455, the commissioners court of a county may:

1. Establish and maintain a list of authorized transportation service providers for that county who may contract to transport a person to a mental health facility in accordance with Section 574.045;

2. 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;
3. Contract with qualified transportation service providers on terms acceptable to the county;
4. Allow officers and employees of the county to utilize persons on the list on a rotating basis if the officer or employee is authorized to provide transportation under Section 574.045 and chooses to utilize a qualified transportation service provider in accordance with the terms of the contract approved by the commissioner's court; and
5. Ensure the list is made available to any person authorized to provide transportation under Section 574.045.

In addition, the Health and Human Services Commission (HHSC) has established requirements related to transportation services authorized by a county's commissioners court. HHSC's requirements can be found on the HHSC web site:

<https://www.hhs.texas.gov/doing-business-hhs/provider-portals/behavioral-health-services-providers/behavioral-health-provider-resources/uniform-transportation-standards>

Summary

The statutes outlined above provide various methods for transporting a person experiencing a mental health crisis. Counties with limited resources may wish to explore these if crisis transportation is a challenge in their community. LMHA/LBHAs are also encouraged to review the permitted transportation options with county officials to explore the feasibility of developing coordinated systems of emergency transportation that provide optimal care for persons in crisis and reduce strain on public safety resources.