

HOUSE BILL 1385

By Harrison

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 42, Part 1 and Title 33, Chapter 6, Part 9, relative to the transportation of individuals with a mental illness who require involuntary commitment to a psychiatric hospital.

WHEREAS, the methods and quality of treatment in mental health have improved dramatically over the last half century; and

WHEREAS, the methods of transporting people to centers of care have remained the same; and

WHEREAS, county sheriffs departments are the primary responsible agency for transporting patients to psychiatric hospitals as stipulated in Tennessee Code Annotated, Title 33; and

WHEREAS, transportation of patients by law enforcement criminalizes mental illness; and

WHEREAS, the current system of transportation by law enforcement places patients and families in situations that increases the likelihood of trauma; and

WHEREAS, the responsibilities placed upon the sheriffs departments are burdensome and restricts their ability to perform primary public safety functions; now therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-6-901(a)(2), is amended by adding the following sentence at the end of the subdivision:

Any prescreening agent, physician, or licensed psychologist, while acting under § 33-6-404(3)(B), will be considered a state employee for the purposes of § 8-42-101(3) when they are assessing the need or absence of need for physical restraint during

transportation to a psychiatric hospital or the need or absence of need for secure transportation to a psychiatric hospital. No entity that employs such a prescreening agent, physician, or licensed psychologist may be held civilly liable for actions of that employee while the employee functioned as a state employee for the purposes of this subdivision.

SECTION 2. Tennessee Code Annotated, Section 8-42-101(3), is amended by adding the following as an appropriately designated new subdivision:

() "State employee" also includes any prescreening agent, physician, or licensed psychologist, while acting under § 33-6-404(3)(B), are engaged in assessing the need or absence of need for physical restraint during transportation to a psychiatric hospital or the need or absence of need for secure transportation to a psychiatric hospital.

SECTION 3. Tennessee Code Annotated, Title 33, Chapter 6, Part 9, is amended by adding the following as an appropriately designated new section:

33-6-903.

(a) The "mental health transportation with dignity task force" (hereafter "task force") is established. The task force shall consist of the following sixteen (16) members:

(1) Two (2) members of the house of representatives to be appointed by the speaker of the house;

(2) Two (2) members of the senate to be appointed by the speaker of the senate;

(3) Two (2) members representing families and individuals affected by mental illness to be appointed by the Tennessee Chapter of the National Alliance on Mental Illness;

(4) Two (2) members representing county law enforcement agencies to be appointed by the Tennessee Sheriffs' Association;

(5) Two (2) members representing the municipal law enforcement agencies to be appointed by the Tennessee Association of Chiefs of Police;

(6) Two (2) members representing community mental health organizations to be appointed by the Tennessee Association of Mental Health Organizations;

(7) Two (2) members representing hospitals to be appointed by the Tennessee Hospital Association; and

(8) Two (2) members of the emergency management technicians to be appointed by the Tennessee Ambulance Service Association of Tennessee.

(b) The appointments shall be made within sixty (60) days after the effective date of this act. The task force will be convened by the legislative member with the most years of continuous service in the general assembly. At the organizational meeting, a chair, vice chair and secretary shall be elected from the task force membership.

(c) Members of the task force serve without pay, except that non-legislative members may be reimbursed for travel expenses in accordance with travel regulation promulgated by the commissioner of finance and administration and approved by the attorney general and reporter. Members of the general assembly shall be compensated in accordance with § 3-1-106.

(d) The department of mental health and development disabilities shall provide administrative support for this task force.

(e) The task force will study the existing programs utilized for the transportation of involuntary patients to psychiatric hospitals and the feasibility of developing alternatives to transportation of emergency involuntary patients to psychiatric hospitals. Such alternatives may include, but not be limited to, pilot projects that would include six

(6) to eight (8) counties to be located in the rural areas of each grand division of the state and any associated costs.

(f) The task force shall report its progress no later than February 1, 2010, to the speaker of the house of representatives and the speaker of the senate.

(g) The task force shall submit a final report of its findings and recommendations, including any proposed legislation to the One Hundred Seventh General Assembly no later than February 1, 2011, at which time the task force shall cease to exist.

SECTION 4. This act shall take effect July 1, 2009, the public welfare requiring it.