

COUNTY MENTAL HEALTH TRANSPORTATION PANEL

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<http://www.house.mi.gov/hfa>

House Bill 6452 as introduced
Sponsor: Rep. Beau Matthew LaFave
Committee: Health Policy
Complete to 12-2-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6452 would amend the Mental Health Code to allow counties to contract with a private security company for the transport of individuals for involuntary psychiatric hospitalization and screening. The bill specifies instances in which this transport would take place and the requirements the company would have to meet. Throughout the code, where currently transport by a peace officer may be ordered by the court or arranged for by a community mental health services program (CMHSP), the bill would allow for a security transport officer to transport an individual.

Creation of a county mental health transportation panel

The bill would allow a county board of commissioners to establish a county mental health transportation panel. The panel's purpose would be to establish a way to transport individuals when required other than by a peace officer.

The panel would have to include the following members:

- A county administrator or the equivalent.
- A judge of a court having jurisdiction in the county.
- A peace officer who works at a law enforcement agency or state police post in the country.
- A mental health professional who is an employee of a CMHSP located in the county.

Private transport for involuntary psychiatric hospitalization or screening

The panel could recommend and the county board of commissioners could enter into a contract with a private security company to hire security transport officers to transport individuals for involuntary psychiatric hospitalization or screening.

An eligible private security company would have to meet all of the following requirements:

- Have a surety bond on file with the Department of Health and Human Services (DHHS).
- Meet specified licensing requirements.
- Provide its officers a specialized training program with best practices for safely and effectively transporting an individual with severe mental illness or requiring treatment.
- Maintain a 24/7 dispatch system to receive transport orders and deploy security transport officers.
- Deploy two security transport officers for every transport order. (Deployments must be gender-appropriate for the situation.)
- Establish a well-maintained company vehicle fleet appropriately equipped for recipient and security transport officer travel and safety.
- Utilize the level of force authorized for peace officers when taking an individual into protective custody. (A security transport officer could take the kind and degree of force

that would be lawful for a peace officer effecting an arrest for a misdemeanor without a warrant. Additionally, the security transport officer would be allowed to take reasonable steps for self-protection.)

- Protect and respect applicable recipient regulations and recipient rights under state and federal law.
- Maintain transport security officer duties, protocols, and procedures.
- Maintain protocols and procedures for transportation emergencies, recipient safety and transport care, de-escalation techniques, crisis intervention and prevention, and recipient and customer relations.
- Maintain mental health facility policies and procedures in the same manner as required of peace officers.
- Maintain hospital emergency room policies and procedures in the same manner as required of peace officers.
- Provide security transport officers with a defensive driving course.
- Maintain transport vehicle requirements and care and transport vehicle inspection procedures.
- Maintain roadside emergency procedures and policies, including basic first aid and courses in cardiopulmonary resuscitation (CPR).

The bill states that transportation by a security transport officer would not be an arrest of the individual, and that the security transport officer could not take an individual into protective custody.

Creation of a mental health transportation fund

The bill would create the Mental Health Transportation Fund in the state treasury. The state treasurer could receive money or other assets from any source for deposit into the fund. The state treasurer would direct investment of the fund and credit interest and earnings from investments to the fund. Money in the fund at the close of the fiscal year would remain in the fund and would not lapse to the general fund. DHHS would be the administrator of the fund for auditing purposes. DHHS would expend money from the fund, upon appropriation, only to effect the requirements for a private security company listed above.

MCL 330.100d et al.

FISCAL IMPACT:

House Bill 6452 would have a negligible fiscal impact on the state and would have a fiscal impact on local units of government only to the degree in which the local unit decides to establish and utilize a private security transportation company for mental health transportation instead of utilizing local law enforcement (i.e., “peace officers”), as the bill would not require local units of government to utilize a private security transportation company.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.