

By: Representative Creekmore IV

To: Public Health and Human Services; Appropriations A

HOUSE BILL NO. 573

1 AN ACT TO AMEND SECTION 41-21-140, MISSISSIPPI CODE OF 1972,  
2 TO ESTABLISH THE MISSISSIPPI HELPING ENSURE ALTERNATIVE LAW  
3 ENFORCEMENT TRANSPORTATION FOR HEALING (MISSHEALTH) PILOT PROGRAM  
4 TO PROVIDE FINANCIAL ASSISTANCE TO LAW ENFORCEMENT AGENCIES FOR  
5 THE PURPOSE OF TRANSPORTING INDIVIDUALS EXPERIENCING A MENTAL  
6 HEALTH OR BEHAVIORAL CRISIS TO A HOSPITAL OR TREATMENT FACILITY;  
7 TO PROVIDE THAT THE PROGRAM'S IMPLEMENTATION IS SUBJECT TO  
8 APPROPRIATION; TO PROVIDE THAT THE PROGRAM SHALL BE JOINTLY  
9 ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION,  
10 DEPARTMENT OF MENTAL HEALTH AND DIVISION OF MEDICAID; TO REQUIRE  
11 THE DEPARTMENT OF MENTAL HEALTH TO ESTABLISH GUIDELINES AND  
12 APPLICATION DEADLINES FOR THE PARTICIPATION IN THE MISSHEALTH  
13 PILOT PROGRAM; TO REQUIRE GRANT RECIPIENTS TO PROVIDE A 25%  
14 FUNDING MATCH OF THE TOTAL GRANT FUNDS RECEIVED; TO ALLOW LAW  
15 ENFORCEMENT AGENCIES TO CONTRACT WITH ONE OR MORE THIRD PARTIES OR  
16 OTHER LAW ENFORCEMENT AGENCIES TO TRANSPORT INDIVIDUALS IN  
17 ACCORDANCE WITH THE PROVISIONS OF THIS ACT; TO PROVIDE THAT  
18 CONTRACTS ENTERED INTO UNDER THE AUTHORITY OF THIS ACT ARE SUBJECT  
19 TO AUDIT BY THE OFFICE OF THE STATE AUDITOR; TO PRESCRIBE THE  
20 PURPOSES FOR WHICH GRANT FUNDS RECEIVED UNDER THE MISSHEALTH PILOT  
21 PROGRAM MAY BE USED; TO PROVIDE FOR TELEHEALTH EVALUATION OF  
22 INDIVIDUALS IF AVAILABLE TO DETERMINE NEED FOR ADMISSION; TO  
23 PRESCRIBE THE MANNER BY WHICH THE ORIGINAL CERTIFICATE OF NEED FOR  
24 TRANSPORT MAY BE DETERMINED AND PROVIDED TO THE TRANSPORTING LAW  
25 ENFORCEMENT AGENCY BY THE COMPLETING PHYSICIAN, PSYCHOLOGIST OR  
26 DESIGNATED PROFESSIONAL; TO REQUIRE THE COMPLETING PHYSICIAN,  
27 PSYCHOLOGIST OR DESIGNATED PROFESSIONAL TO INFORM THE TRANSPORTING  
28 LAW ENFORCEMENT AGENCY THAT THE HOSPITAL OR TREATMENT FACILITY OF  
29 ADMISSION HAS BEEN CONTACTED AND HAS AVAILABLE SUITABLE  
30 ACCOMMODATIONS FOR THE INDIVIDUALS IN CRISIS; TO REQUIRE THE  
31 TRANSPORTING LAW ENFORCEMENT AGENCY OR TRANSPORTATION AGENT TO  
32 NOTIFY THE ADMITTING HOSPITAL OR TREATMENT FACILITY OF AN  
33 ESTIMATED TIME OF ARRIVAL; TO REQUIRE THE LAW ENFORCEMENT AGENCY  
34 OR TRANSPORTATION AGENT TO REMAIN AT THE HOSPITAL OR TREATMENT



35 FACILITY LONG ENOUGH FOR THE INDIVIDUAL TO BE EVALUATED FOR  
36 ADMISSION, BUT NOT TO EXCEED TWO HOURS; TO PROVIDE THAT IF A LAW  
37 ENFORCEMENT OFFICER IS AUTHORIZED TO MAKE AN ARREST AND A  
38 PROFESSIONAL DESIGNATED BY A CRISIS INTERVENTION TEAM HAS REASON  
39 TO BELIEVE THAT THE INDIVIDUAL SUBJECT TO ARREST IS EXPERIENCING A  
40 MENTAL OR BEHAVIORAL CRISIS, THE SUCH PERSON MAY BE TAKEN INTO  
41 CUSTODY WITHOUT A CIVIL ORDER OR WARRANT FOR IMMEDIATE MENTAL  
42 EXAMINATION TO DETERMINE NEED FOR BEHAVIORAL HEALTH TREATMENT AT A  
43 HOSPITAL OR TREATMENT FACILITY; TO REQUIRE IMMEDIATE EXAMINATION  
44 OF INDIVIDUALS SO DETAINED BY A PHYSICIAN, PSYCHOLOGIST OR  
45 DESIGNATED PROFESSIONAL TO DETERMINE IF SUCH PERSON IS SUBJECT TO  
46 ADMISSION TO A HOSPITAL OR TREATMENT FACILITY; TO PRESCRIBE THE  
47 PROCEDURES TO BE FOLLOWED UPON A DETERMINATION BY THE EVALUATING  
48 PHYSICIAN, PSYCHOLOGIST OR DESIGNATED PROFESSIONAL IF THE PERSON  
49 IS OR IS NOT TO BE ADMITTED INTO A HOSPITAL OR TREATMENT FACILITY;  
50 TO DEFINE THE TERM "QUALIFIED ADVANCED PRACTICE PROVIDER AND  
51 PRESCRIBE THE PROCEDURES TO BE FOLLOWED BY SUCH INDIVIDUALS WHEN  
52 EVALUATING AND RECOMMENDING ADMISSION FOR PERSON EXPERIENCING A  
53 MENTAL HEALTH CRISIS; TO PRESCRIBE THE DUTY OF LAW ENFORCEMENT  
54 AGENCIES OR TRANSPORTATION AGENTS TO RETURN INDIVIDUALS SUSPECTED  
55 OF EXPERIENCING A MENTAL HEALTH CRISIS WHO ARE DETERMINED NOT  
56 ELIGIBLE FOR ADMISSION BACK TO THE COUNTY OR MUNICIPALITY OF  
57 ORIGIN WHERE THE INITIAL INTERACTION OCCURRED; TO PROVIDE CIVIL  
58 AND CRIMINAL IMMUNITY TO HOSPITALS, TREATMENT FACILITIES AND  
59 HEALTHCARE PROVIDERS FROM CLAIMS ARISING FROM DETERMINATIONS OF  
60 ADMISSION AND FROM TRANSPORTATION OF PERSON TO AND FROM SUCH  
61 FACILITIES; TO REQUIRE THE DEPARTMENT OF MENTAL HEALTH TO PROVIDE  
62 TRAINING ON MENTAL HEALTH CRISIS MANAGEMENT FOR LOCAL LAW  
63 ENFORCEMENT AGENCIES' PERSONNEL AND FOR TRANSPORTATION AGENTS; AND  
64 FOR RELATED PURPOSES.

65 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

66 **SECTION 1.** Section 41-21-140, Mississippi Code of 1972, is  
67 amended as follows:

68 41-21-140. (1) A law enforcement officer shall transport  
69 the person who is in crisis to the appropriate health care  
70 facility in the county or outside of the county at the request of  
71 the crisis intervention team or mobile crisis response team, if:

72 (a) The person has a mental illness or serious  
73 emotional disturbance;



74           (b) The person poses an imminent substantial likelihood  
75 of serious harm because of the mental illness or serious emotional  
76 disturbance, as determined by behavior that he or she:

77           (i) Has threatened or attempted suicide or to  
78 inflict serious bodily harm on the person;

79           (ii) Has threatened or attempted homicide or other  
80 violent behavior;

81           (iii) Has placed others in reasonable fear of  
82 violent behavior and serious physical harm to them; or

83           (iv) Is unable to avoid severe impairment or  
84 injury from specific risks; and

85           (c) There is a substantial likelihood that the harm  
86 will occur unless the person is placed under involuntary  
87 treatment.

88           (2) (a) Subject to annual appropriations, there is  
89 established the Mississippi Helping Ensure Alternative Law  
90 Enforcement Transportation for Healing (MissHEALTH) Pilot Program  
91 to provide financial grant assistance to law enforcement agencies  
92 required to transport persons to a hospital or treatment facility  
93 for emergency mental health transport under this section. The  
94 Department of Finance and Administration, in consultation with the  
95 Department of Mental Health and substance abuse services and the  
96 Division of Medicaid, shall develop and administer the pilot  
97 program. Grant assistance from the pilot program must not be  
98 provided for emergency mental health transports where a physician,



99 psychologist, or designated professional determines that the  
100 person can be transported by one or more friends, neighbors or  
101 other mental health professionals familiar with the person,  
102 relatives of the person, or a member of the clergy under Section 5  
103 of this act.

104 (b) The MissHEALTH Pilot Program shall support a  
105 minimum of three (3) law enforcements agencies over the course of  
106 a one-year period, which shall be selected upon the submission of  
107 an application for grant funds by local law enforcement agencies  
108 to the Department of Mental Health, which shall determine the  
109 criteria for approval of application and establish guidelines for  
110 the administration of the program and application deadlines. The  
111 department shall determine the minimum amount of grant assistance  
112 allocated to each approved law enforcement agency selected to  
113 participate in the pilot program, and condition additional funding  
114 support to approved applicants based upon historical and  
115 anticipated transport volume, which such award amount shall  
116 require an twenty-five percent (25%) funding match from each local  
117 law enforcement agency selected for participation.

118 (3) A law enforcement agency may contract with one or more  
119 third parties or other law enforcement agencies to transport  
120 persons to a hospital or treatment facility in accordance with  
121 this section. The law enforcement agency shall deem a third party  
122 or other law enforcement agency contracted to perform this  
123 function to be the designated secondary transportation agent



124 pursuant to Section 5 of this act. Any contract entered into  
125 under this subsection is subject to audit by the Office of the  
126 State Auditor or his or her designee.

127 (4) A law enforcement agency may receive grant funds  
128 provided under this section for use as payment to third parties or  
129 other law enforcement agencies with which it contracts to  
130 transport persons to a hospital or treatment facility in  
131 accordance with this section. The receipt or expenditure of grant  
132 funds received by a law enforcement agency under this section is  
133 subject to audit by the Office of the State Auditor or his or her  
134 designee.

135 (5) If telehealth services are available and offered by a  
136 hospital or treatment facility at which a person is proposed to be  
137 admitted pursuant to this act, then the hospital or treatment  
138 facility may elect to conduct an evaluation for admission under  
139 Section 41-127-1 through telehealth as defined in Section  
140 83-9-351.

141 (6) If the person certified for admission under Section 3 of  
142 this act is not already at the facility, hospital or treatment  
143 facility at which the person is proposed to be admitted, the  
144 physician, psychologist or designated professional who completed  
145 the certificate of need under Section 3 of this act shall give the  
146 law enforcement agency or the transportation agent designated  
147 under this act the original of the certificate and turn the person  
148 over to the custody of the law enforcement agency or



149 transportation agent who shall transport the person to a hospital  
150 or treatment facility that has available suitable accommodations  
151 for the person for proceedings under Section 4 of this act. If  
152 admission is sought to a state-owned or operated hospital or  
153 treatment facility, the physician, psychologist or designated  
154 professional who completed the certificate of need under Section 3  
155 of this act shall also provide to the law enforcement agency or  
156 transportation agent a written statement verifying that the  
157 state-owned or operated hospital or treatment facility has been  
158 contacted and has available suitable accommodations, and the law  
159 enforcement agency or transportation agent shall not be required  
160 to take custody of the person for transportation unless both the  
161 original of the certificate and the written statement are  
162 provided. If the original of the certificate is unavailable, then  
163 an identical hard copy or electronic copy submitted by reliable  
164 electronic means must be accepted for purposes of this section.  
165 Failure of the law enforcement agency or other transportation  
166 agent to provide both a certificate of need and the written  
167 statement to the receiving state-owned or operated hospital or  
168 treatment facility for proceedings under Section 4 of this act  
169 shall result in all costs attendant to the person's admission and  
170 treatment being assessed to the transporting county.

171 (7) (a) Before transportation begins, the law enforcement  
172 agency or transportation agent shall notify the hospital or  
173 treatment facility at which the person is proposed to be admitted



174 as to where the person is and the best estimate of anticipated  
175 time of arrival at the hospital or treatment facility.

176 (b) The law enforcement agency or transportation agent  
177 shall notify the hospital or treatment facility of the anticipated  
178 time of arrival. If the law enforcement agency or transportation  
179 agent has given notice and arrives at the hospital or treatment  
180 facility within the anticipated time of arrival, then the law  
181 enforcement agency or transportation agent is required to remain  
182 at the hospital or treatment facility long enough for the person  
183 to be evaluated for admission under Section 4 of this act, but not  
184 longer than two (2) hours. After the two (2) hours have expired,  
185 the person becomes the responsibility of the evaluating hospital  
186 or treatment facility, and the law enforcement agency or  
187 transportation agent may leave.

188 **SECTION 2.** (1) If a law enforcement officer authorized to  
189 make arrests in the state, a licensed physician, a psychologist or  
190 a professional designated by crisis intervention team has reason  
191 to believe that a person is subject to detention under Section  
192 41-21-140(1), then the law enforcement officer, physician,  
193 psychologist or designated professional may take the person into  
194 custody without a civil order or warrant for immediate examination  
195 under Section 3 for certification of need for care and treatment.

196 (2) If a person is experiencing a mental health crisis as  
197 determined by the criteria established in Section 41-21-140(1),  
198 then the person may be admitted and detained by a hospital or



199 treatment facility for emergency diagnosis, evaluation and  
200 treatment under this act.

201        SECTION 3. (1) If a licensed physician, psychologist or  
202 professional designated by crisis intervention team takes a person  
203 into custody under Section 2(1) of this act, a person is brought  
204 to the physician, psychologist or designated professional for  
205 examination under this section, then the physician, psychologist  
206 or designated professional shall immediately examine the person  
207 and decide whether the person is subject to admission to a  
208 hospital or treatment facility under Section 2(2) of this act.

209        (2) (a) If the person is not subject to admission under the  
210 authority of subsection (1), then the physician, psychologist or  
211 designated professional shall release the person.

212        (b) If the person is subject to admission under the  
213 authority of subsection (1), then the physician, psychologist or  
214 designated professional shall complete a certificate of need for  
215 the emergency diagnosis, evaluation and treatment showing the  
216 factual foundation for the conclusions on each item of Section  
217 41-21-140(1). The physician, psychologist or designated  
218 professional shall assess the person's clinical needs and need for  
219 physical restraint or vehicle security and determine the mode of  
220 transportation to the hospital in consultation with a prescreening  
221 agent, other mental health professional familiar with the person,  
222 or a knowledgeable family member.





223 (c) If admission is sought at a state-owned or operated  
224 hospital or treatment facility, the physician, psychologist or  
225 designated professional shall verify that the state-owned or  
226 operated hospital or treatment facility has been contacted and has  
227 available suitable accommodations, acknowledging such verification  
228 in writing before transport is effectuated.

229 **SECTION 4.** (1) As used in this section, "qualified advanced  
230 practice provider" means an individual working in collaboration  
231 with a licensed physician, and who is a:

232 (a) Licensed advanced practice nurse with a current  
233 certification from a national certifying organization, as a  
234 psychiatric-mental health advanced practice nurse; or

235 (b) Physician assistant with a current certification  
236 from a national certifying organization, as having additional  
237 qualifications in psychiatry.

238 (2) A hospital or treatment facility that receives a person  
239 transported under Section 41-21-140 must have a licensed physician  
240 or a qualified advanced practice provider examine the person to  
241 determine whether the person is subject to admission.

242 (3) If the person is subject to admission under Section  
243 41-21-140, then the physician or qualified advanced practice  
244 provider must complete a certificate of need for the emergency  
245 diagnosis, evaluation and treatment showing the factual foundation  
246 for the conclusions on each item of Section 41-21-140(1).



247 (4) If the person is not subject to admission and the law  
248 enforcement agency or transportation agent is under a duty to  
249 remain at the hospital or treatment facility under Section  
250 41-21-140, then the law enforcement agency or transportation agent  
251 shall return the person to the county or municipality of original  
252 interaction with said law enforcement agency or transportation  
253 agent.

254 (5) If the person is not subject to admission and the local  
255 law enforcement agency or transportation agent is not under a duty  
256 to remain at the hospital or treatment facility under  
257 41-21-140(7)(b), then the hospital or treatment facility shall  
258 return the person to the county or municipality of original  
259 interaction with said law enforcement agency or transportation  
260 agent.

261 (6) A hospital, treatment facility or healthcare provider is  
262 immune from civil liability and has an affirmative defense to  
263 criminal liability arising either from a determination relative to  
264 admission of a person to a facility or treatment facility or from  
265 the transportation of a person to and from the hospital or  
266 treatment facility.

267 **SECTION 5.** (1) (a) The local law enforcement agency having  
268 primary jurisdiction of the area in which a person with mental  
269 illness or serious emotional disturbance is to be transported  
270 under this act, shall transport the person except for persons who  
271 are transported by:



272 (i) A secondary transportation agent under this  
273 section;

274 (ii) Another county or municipal law enforcement  
275 agency that meets the requirements for a secondary transportation  
276 agent under this section with whom the primary local law  
277 enforcement agency has entered into contract under the authority  
278 of Section 41-21-140(3); or

279 (iii) One or more friends, neighbors, other mental  
280 health professionals familiar with the person, relatives of the  
281 person or a member of the clergy.

282 (b) The local law enforcement agency may designate a  
283 secondary transportation agent or agents for the county or  
284 municipality for persons with mental illness or serious emotional  
285 disturbance whom a physician or prescreening authority has  
286 evaluated and determined do not require physical restraint or  
287 vehicle security. Like the local law enforcement agency, a  
288 secondary transportation agent shall be available twenty-four (24)  
289 hours per day, provide adequately for the safety and security of  
290 the person to be transported, and provide appropriate medical  
291 conditions for transporting persons for involuntary  
292 hospitalization. The local law enforcement agency having primary  
293 jurisdiction shall take into account in designating a secondary  
294 transportation agent or other county or municipal law enforcement  
295 agency both its funding and the characteristics of the persons who  
296 will be transported. The local law enforcement agency shall



297 consult with the appropriate local governing authority before  
298 designating a secondary transportation agent. A secondary  
299 transportation agent has the same duties and authority under this  
300 chapter in the detention or transportation of those persons as the  
301 local law enforcement agency. The designation of a transportation  
302 agent other than the local law enforcement agency is a  
303 discretionary function. If a prescreening agent, physician or  
304 licensed psychologist with health service provider designation,  
305 who is acting under Section 3(2)(b), determines that the person  
306 does not require physical restraint or vehicle security, then any  
307 person identified in subsection (1)(a)(iii) of this section may,  
308 instead of the local law enforcement agency, transport the person  
309 at the transporter's expense.

310 (c) (i) If a physician, psychologist, or professional  
311 designated by the crisis intervention team, operating under  
312 Section 3(2)(b), determines to a reasonable degree of professional  
313 certainty that the person subject to transportation under this  
314 part does not require physical restraint or vehicle security and  
315 does not pose a reasonable risk of danger to the person's self or  
316 others, then the local law enforcement agency may permit one or  
317 more persons designated under this section, other than the local  
318 law enforcement agency or secondary transportation agent, to  
319 transport the person; provided, that the person or persons provide  
320 proof of current automobile insurance. Before a person is  
321 transported, the local law enforcement agency or other



322 transportation agent designated under paragraphs (a) or (b) of  
323 this subsection (1) shall give the notice required by Section  
324 41-21-14(7), along with the name or names of the person or persons  
325 who will actually transport the person subject to admission to a  
326 hospital or treatment resource. The person or persons designated  
327 to transport under this section must comply with the requirements  
328 of Section 41-21-14(7) (b) (2) and Section 4(3) of this act, and  
329 must provide the original of the certificate completed under  
330 Section 3(2) (b) to the hospital or treatment resource.

331 (ii) When making this determination, the  
332 physician, psychologist or designated professional operating under  
333 Section 3(2) (b) shall be immune from any civil liability and shall  
334 have an affirmative defense to any criminal liability arising from  
335 that protected activity.

336 (iii) When making this determination, if the  
337 physician, psychologist or designated professional operating under  
338 Section 3(2) (b) is an agent of a hospital, health care facility,  
339 or community mental health center, that hospital, health care  
340 facility or community mental health center shall be immune from  
341 any civil liability and shall have an affirmative defense to any  
342 criminal liability arising from this agent's protected activity  
343 and from the transportation of the person to and from the  
344 facility.

345 (2) When a local law enforcement agency or secondary  
346 transportation agent is required to transport a person to a



347 hospital or treatment resource for screening, evaluation,  
348 diagnosis or hospitalization, the county or municipality in which  
349 the person is initially transported by the local law enforcement  
350 agency or secondary transportation agent is responsible for the  
351 remainder of such person's transportation requirements. The  
352 initial transporting county or municipality is responsible for the  
353 continuing transportation of the person even if the person is  
354 assessed, diagnosed, screened or evaluated in a second county  
355 before being admitted to a facility, hospital or treatment  
356 resource in a third county within the state. If the person is  
357 transported to a hospital or treatment resource by the local law  
358 enforcement agency or secondary transportation agent of a county  
359 other than the initial transporting county, the local law  
360 enforcement agency or secondary transportation agent actually  
361 providing transportation may bill the initial transporting county  
362 for transportation costs.

363 (3) The Department of Mental Health shall provide training  
364 on mental health crisis management for transportation agents and  
365 the local law enforcement agencies' personnel.

366 **SECTION 6.** It is the policy of this state that people with  
367 mental illness who are determined to be a danger to themselves and  
368 in need of physical restraint or vehicular security shall be  
369 transported by the local law enforcement agency or secondary  
370 transportation agents designated by the local law enforcement  
371 agency. People with a mental illness who do not present



372 themselves as a danger to themselves or are not in need of  
373 physical restraint or vehicular security may be transported by one  
374 or more friends, neighbors, other mental health professionals  
375 familiar with the person, relatives of the person or a member of  
376 the clergy; provided, that these persons are willing and able to  
377 provide such transport.

378         **SECTION 7.** This act shall take effect and be in force from  
379 and after July 1, 2025.

