



County Technical Assistance Service

Published on e-Li (<https://eli.ctas.tennessee.edu>)

November 14, 2019

Transportation of Persons with a Mental Illness

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Capitol Blvd. Suite 400
Nashville, TN. 37219
615-532-3555 phone
615-532-3699 fax
ctas@tennessee.edu
www.ctas.tennessee.edu

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Transportation of Persons with a Mental Illness

Reference Number: CTAS-1274

It is the duty of the sheriff to transport those who have been certified for emergency involuntary admission under Title 33, Chapter 6, Part 4, or nonemergency involuntary admission under Title 33, Chapter 6, Part 5, unless the person can be transported by (1) a secondary transportation agent designated by the sheriff, (2) a municipal law enforcement agency that meets the requirements for a secondary transportation agent and is designated by the sheriff, (3) a person authorized under other provisions of Title 33, or (4) one or more friends, neighbors, other mental health professionals familiar with the person, relatives of the person, or a member of the clergy. T.C.A. § 33-6-901. If a mandatory prescreening agent, physician, or licensed psychologist with health service provider designation who is acting under T.C.A. § 33-6-404(3)(B) determines that the person does not require physical restraint or vehicle security, then any person identified in number (4) above, rather than the sheriff, may transport the person at the transporter's expense.

The sheriff is authorized by statute to designate a secondary transportation agent or agents for the county to transport people with mental illness or serious emotional disturbance whom a physician or mandatory prescreening authority has evaluated and determined do not require physical restraint or vehicle security. The secondary transportation agent must be available 24 hours per day, provide adequately for the safety and security of the person to be transported, and provide appropriate medical conditions for transporting persons for involuntary hospitalization. When designating a secondary transportation agent or a municipal law enforcement agency, the sheriff must take into account both its funding and the characteristics of the individuals who will be transported. A secondary transportation agent has the same duties and authority as the sheriff under Title 33, Chapter 6, in detaining and transporting such persons. The sheriff must consult with the county mayor before designating a secondary transportation agent. T.C.A. § 33-6-901(a).

The transportation of people to be involuntarily hospitalized is the responsibility of the county in which the person is initially detained. However, the sheriff or secondary transportation agent providing transportation may bill the county of residence for transportation costs. T.C.A. § 33-6-901(b).

EMERGENCY INVOLUNTARY ADMISSION. If the person who has been certified for emergency involuntary admission under T.C.A. § 33-6-404 is not already at the treatment facility where it is proposed that they are to be admitted, the medical professional who completed the certificate of need must give the original copy of the certificate to the sheriff or the designated transportation agent and turn the patient over to the custody of the sheriff or the designated transportation agent for transportation to a hospital or treatment facility that has available accommodations. Transportation to a state-owned or operated hospital or treatment facility may not commence without a certificate of need executed by a mandatory prescreening agent or by a physician or psychologist. T.C.A. § 33-6-406(a).

Before leaving with the patient, the sheriff or transportation agent must notify the hospital or treatment facility where the patient is being taken that the patient is coming, where the patient is currently, and an estimated time of arrival. If the sheriff or transportation agent has given the required notice and arrives at the hospital or treatment facility within the anticipated time of arrival, then the sheriff or transportation agent is required to remain at the hospital or treatment facility only long enough for the patient to be evaluated for admission but not longer than 1 hour and 45 minutes. After 1 hour and 45 minutes, the patient is the responsibility of the evaluating hospital or treatment facility, and the sheriff or transportation agent may leave. If the sheriff or transportation agent has not given the required notice or has not arrived within the anticipated time of arrival, the sheriff or transportation agent must remain at the hospital or treatment facility for as long as it takes to complete the evaluation for admission. T.C.A. § 33-6-406(b)(1) - (2). In Shelby County the sheriff or transportation agent is relieved of further transportation duties after the person has been delivered to the hospital or treatment facility, and the transportation duties are assumed by appropriate personnel of the hospital or treatment facility. T.C.A. § 33-6-406(b)(3).

If, after evaluation, the person is not subject to admission and the sheriff or transportation agent is still under a duty to remain at the hospital or facility, the sheriff or transportation agent must return the patient to the county from which the person was transported. If, after evaluation, the person is not subject to admission and the sheriff or transportation agent is no longer under a duty to wait at the hospital or facility, the hospital or facility has the responsibility to return the person to the county from which the person was transported. T.C.A. § 33-6-407(c) and (d).

NONEMERGENCY INVOLUNTARY ADMISSION. When a person is about to be admitted to a hospital or treatment facility under the provisions of Title 33, Chapter 6, Part 5, the court will arrange the transportation of the person to the hospital. Whenever practicable, the person to be hospitalized will be permitted to be accompanied by one or more friends or relatives, who must travel at their own expense. Any reputable and trustworthy relative or friend of the person who will assume responsibility for the person's safe delivery may be allowed to transport the person to the hospital if such relative or friend will do so at their own expense. T.C.A. § 33-6-902(a).

Pending removal to a hospital, a person with mental illness or serious emotional disturbance taken into custody or ordered to be hospitalized under Title 33, Chapter 6, Part 5, may be detained in the person's home or in some suitable facility under such reasonable conditions as the court may order, but the person shall not be detained in a nonmedical facility used for the detention of those charged with or convicted of criminal offenses. Reasonable measures necessary to assure proper care of a person temporarily detained, including provision for medical care, must be taken. T.C.A. § 33-6-902(b).

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