

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974

330.1170 County mental health transportation panel; membership; contract with private security company; security transport officers.

Sec. 170.

(1) A county board of commissioners may establish a county mental health transportation panel. The purpose of the panel is to establish a transportation mechanism to serve as an alternative to a peace officer transporting an individual when required under this act.

(2) The members of the county mental health transportation panel must include all of the following:

(a) A county administrator or an individual who has similar responsibilities within the county as a county administrator.

(b) A judge of a court having jurisdiction in the county.

(c) A peace officer who works at a law enforcement agency or state police post within the county.

(d) A mental health professional who is an employee of a community mental health services program located within the county.

(3) The panel may recommend a contract with a private security company to hire security transport officers to transport individuals for involuntary psychiatric hospitalization or screening under this act and, only upon that recommendation, the county board of commissioners may enter into that contract.

(4) In order to enter into a contract with a county board of commissioners as described in subsection (3), the private security company must meet all of the following requirements:

(a) Maintain insurance coverage on file with the department that satisfies the following:

(i) As to motor vehicle coverage, a policy of insurance issued by an insurer authorized to do business in this state that provides the coverage required by chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179, including, but not limited to, personal protection insurance in the amount stated in section 3107c.

(ii) As to motor vehicle residual liability coverage relative to a vehicle or a vehicle operator used to transport an individual for involuntary psychiatric hospitalization or screening under this act, a policy of insurance issued by an insurer authorized to do business in this state that provides a limit of not less than \$2,000,000.00 for bodily injury to or death of 1 or more persons in an accident.

(iii) As to liability, other than for a motor vehicle, a policy of insurance issued by an insurer authorized to do business in this state that names the private security company, the county, and the county mental health transportation panel as co-insureds in the amount of \$25,000.00 per occurrence, for property damages and \$2,000,000.00 per occurrence for injury to or death of 1 or more persons arising out of the operation of the activity.

(iv) As to coverage required by this subsection, the insurer of the private security company is primary to any insurer, or coverage provider, of the county or the county mental health transportation panel, including any self-insurance or group self-insurance.

(b) Provide to security transport officers a specialized training program for best practices when working with and transporting an individual with severe mental illness or a person requiring treatment safely and effectively, which program must be approved by the department. This specialized training program must include training on recipient rights.

(c) Maintain a dispatch system that is available 24 hours a day, 7 days a week to receive transport orders and deploy security transport officers.

(d) Deploy 2 security transport officers for every transport order. Deployment of security transport officers under this subdivision must be gender appropriate for the situation.

(e) Establish a well-maintained company vehicle fleet appropriately equipped for recipient and security transport officer travel and safety.

(f) Utilize the level of force authorized for peace officers under section 427a.

(g) Protect and respect all recipient regulations under the health insurance portability and accountability act of 1996, Public Law 101-191, and recipient rights under chapter 7. If the provisions of this subdivision are not met, the office of recipient rights of the local community mental health services program may investigate the matter and recommend remedial action as described in section 780 to the county board of commissioners.

(h) Maintain transport security officer duties, protocols, and procedures.

(i) Maintain transport service policies and procedures.

(j) Maintain protocols and procedures for transportation emergencies, recipient safety and transport care, de-escalation techniques, crisis intervention and prevention, and recipient and customer relations.

(k) Maintain mental health facility policies and procedures in the same manner as required of peace officers under chapter 4.

(l) Maintain hospital emergency room policies and procedures in the same manner as required of peace officers under chapter 4.

(m) Provide security transport officers with a defensive driving course.

(n) Maintain transport vehicle requirements and care and transport vehicle inspection procedures.

(o) Maintain roadside emergency procedures and policies, including basic first aid and courses in cardiopulmonary resuscitation.

(5) Transportation by a security transport officer is not an arrest of the individual. A security transport officer has the authority to maintain custody of an individual who is taken into protective custody by a peace officer pursuant to a court order. However, the authority under this subsection only applies if the individual is being transported to or from a hospital, a mental health screening unit, or other mental health treatment center pursuant to a court order.

(6) A private security company entering into a contract with a county board of commissioners is an independent contractor of the county and is not an employee, officer, or agent of the county or the county mental health transportation panel.

(7) A security transport officer is not an employee, officer, agent, or independent contractor of the county or the county mental health transportation panel.

History: Add. 2022, Act 146, Eff. Mar. 29, 2023