

WORKING DRAFT

HOUSE BILL NO. _____

Involuntary commitments.

Sponsored by: Joint Judiciary Interim Committee and Joint Labor, Health and Social Services Interim Committee

A BILL

for

1 AN ACT relating to involuntary commitments; amending
2 procedures for the involuntary commitment of the mentally
3 ill; providing that the state hospital is the hospital of
4 last resort; specifying allowable purposes of treatment at
5 designated facilities; authorizing reviews of examinations
6 by a licensed psychologist as specified; specifying payment
7 of costs for emergency detentions; and providing for an
8 effective date.

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10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 25-10-104(a)(iii), by creating a new
13 subsection (b), 25-10-109(f), 25-10-110(e),
14 25-10-112(a)(i), (c)(intro) and (e) are amended to read:

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25-10-104. Duties of department of health and social services as to hospitals other than state hospital.

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(a) The department, with respect to hospitals other than the state hospital, shall:

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(iii) Enter into contracts with designated hospitals for the housing and treatment of persons with mental illness, and other services incident to the hospitalization of patients. Designated hospitals having a contract with the department shall receive individuals detained under W.S. 25-10-109;

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(b) The state hospital shall serve as a hospital of last resort to receive patients if no other facility is reasonably available.

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25-10-109. Emergency detention.

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(f) When a person is detained under emergency circumstances, mental illness treatment for the purpose of stabilization may be given during the emergency detention period if the person voluntarily and knowingly consents.

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1 The parent or guardian of a minor or incompetent person may
2 consent to treatment. Treatment may be given without the
3 consent of the detained person or his parent or guardian
4 when treatment is limited to diagnosis or evaluation or
5 when treatment is necessary for the purpose of
6 stabilization to prevent immediate and serious physical
7 harm to the person or others. Prior to treatment, the
8 person shall be fully advised of the scope of treatment,
9 and a report of the treatment shall be filed with the court
10 if involuntary hospitalization proceedings are commenced.
11 An examiner or a physician who provides treatment in good
12 faith pursuant to this subsection shall be immune from
13 civil liability for the treatment except there shall be no
14 immunity from liability for negligent acts or deliberate
15 misconduct.

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17 **25-10-110. Involuntary hospitalization proceedings.**

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19 (a) Proceedings for the involuntary hospitalization
20 of a person may be commenced by the filing of a written
21 application with the court in the county in which the
22 person is detained. The application shall be accompanied by
23 either:

24

1 (e) The court shall appoint one (1) or more examiners
2 to examine the proposed patient and to make a written
3 report to the court of the findings as to the history and
4 mental illness of the proposed patient. The court may order
5 the proposed patient to appear for examination and if the
6 proposed patient does not appear the court may compel his
7 appearance. The examination shall be held at a hospital, a
8 medical facility, the home of the proposed patient or any
9 other suitable place which will not have a harmful effect
10 on his health. The examination shall be conducted no later
11 than seven (7) days from the date of the notice. If the
12 examination is conducted by an examiner other than a
13 licensed physician, ~~or~~ psychiatrist or psychologist, the
14 court shall appoint a licensed physician, ~~or~~ psychiatrist
15 or psychologist to review the findings of the examiner and
16 conduct a further examination, if indicated, and to report
17 to the court.

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19 **25-10-112. Liability for costs of detention,**
20 **involuntary hospitalization and proceedings therefor.**

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22 (a) Subject to the provisions of subsections (d) and
23 (e) of this section, the county in which a person is

1 detained ~~or in which involuntary hospitalization~~
2 ~~proceedings are brought~~ shall pay the costs of:

3
4 (i) The first seventy-two (72) hours of
5 detention, in addition to any Saturday, Sunday or legal
6 holiday that falls within the seventy-two (72) hours,
7 pursuant to W.S. 25-10-109, including costs of mental
8 illness treatment for the purpose of stabilization.
9 Medical treatment for those conditions demanding immediate
10 medical attention shall be paid by the department subject
11 to the provisions of subsections (d) and (e) of this
12 subsection;

13
14 (c) Subject to the provisions of subsections (d) and
15 (e) of this section, if ~~involuntary hospitalization~~
16 emergency detention is ordered pursuant to W.S. ~~25-10-110~~
17 25-10-109, the county's liability for costs shall at that
18 time terminate. The department shall ~~not~~ be responsible for
19 the costs of treatment incurred after the entry of the
20 ~~involuntary hospitalization~~ emergency detention order.
21 ~~unless~~ The county attorney ~~notifies~~ shall notify the
22 department of that order. Any costs of treatment incurred
23 after the ~~involuntary hospitalization~~ emergency detention

1 order, all costs of transportation and all involuntary
2 hospitalization-emergency detention costs shall be paid by:

3 *****Staff Comment*****

4 **The changes in the preceding subsection and the**
5 **following subsection would limit the county's**
6 **financial obligations after the first 72 hours of**
7 **emergency detention, regardless of any continuing**
8 **emergency detention at the local level that may**
9 **be necessary before an involuntary**
10 **hospitalization order is entered. The financial**
11 **responsibility for continued emergency detention**
12 **would transfer to the Department of Health after**
13 **the first 72 hours of emergency detention,**
14 **without regard to when the involuntary**
15 **hospitalization order is entered, or if an order**
16 **is not entered, until the person is otherwise**
17 **released from emergency detention.**
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19 (e) When a person is detained under W.S. 25-10-109,
20 the county shall be liable for costs of treatment for the
21 first seventy-two (72) hours of detention, in addition to
22 any Saturday, Sunday or legal holiday that falls within the
23 seventy-two (72) hours, or until a hearing required under
24 W.S. 25-10-109(h) is conducted. If the person remains in
25 detention after the hearing pursuant to W.S. 25-10-
26 109(k)(iii), the department shall directly, or under
27 contract with local providers, provide psychiatric
28 treatment until the person is released from detention or
29 involuntary commitment is ordered. When a person is
30 detained under W.S. 25-10-110, the county shall be liable
31 only for costs of treatment for the first seventy-two (72)

1 hours ~~., in addition to any Saturday, Sunday or legal~~
2 ~~holiday that falls within the seventy-two (72) hours, or~~
3 ~~until a hearing required under W.S. 25-10-110 is conducted,~~
4 ~~but in no event shall the county be liable for costs of~~
5 ~~treatment occurring ten (10) or more days after the date of~~
6 ~~application for involuntary hospitalization is filed with~~
7 ~~the court.~~

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9 **Section 2.** This act is effective July 1, 2005.

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(END)