

ENROLLED ACT NO. 60, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

AN ACT relating to involuntary commitments; amending procedures for the involuntary commitment of the mentally ill; authorizing licensed treatment facilities to accept emergency detentions as specified; providing that the state hospital is the hospital of last resort; specifying payment of costs for emergency detentions; and providing for an effective date.

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

Section 1. W.S. 25-10-104(a)(intro) and (i) through (v), 25-10-110(a)(intro) and (j)(intro) and 25-10-112(c)(intro) and (e) are amended to read:

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

(a) The department, with respect to designated hospitals or other licensed treatment facilities other than the state hospital, shall:

(i) Adopt standards for the designation of hospitals or other licensed treatment facilities as qualified to accept patients and provide treatment under this act;

(ii) Designate hospitals or other licensed treatment facilities which qualify under the standards adopted pursuant to paragraph (i) of this subsection;

(iii) Enter into contracts with designated hospitals or other licensed treatment facilities for the inpatient treatment of persons with mental illness, and other services incident to the hospitalization of patients. Designated hospitals or other licensed treatment facilities

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having a contract with the department shall receive individuals detained under W.S. 25-10-109;

(iv) Require reports from designated hospitals and other licensed treatment facilities concerning the services rendered to patients under the provisions of this act;

(v) Visit each designated hospital and each other licensed treatment facilities at least once a year to review methods of treatment for all patients with mental illness;

25-10-110. Involuntary hospitalization proceedings.

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

(j) If, upon completion of the hearing and consideration of the record, the court or the jury finds by clear and convincing evidence that the proposed patient is mentally ill the court shall consider the least restrictive and most therapeutic alternatives, and the state hospital shall serve as a hospital of last resort to receive patients if no designated hospital or other licensed treatment facility is readily available, and shall:

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

(c) Subject to the provisions of subsections (d) and (e) of this section, if ~~involuntary hospitalization~~ continued emergency detention is ordered pursuant to W.S.

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~~25-10-110-25-10-109(k)(iii)~~, the county's liability for any costs of detention, treatment or transportation shall at that time terminate, and the department shall ~~not~~ be responsible for ~~the~~ those costs. ~~of treatment incurred after the entry of the involuntary hospitalization order unless~~ The county attorney ~~notifies~~ shall notify the department of ~~that the continued emergency detention~~ order within twenty-four (24) hours. ~~Any~~ All costs of treatment, transportation and continued emergency detention incurred after the ~~involuntary hospitalization~~ continued emergency detention order, ~~all costs of transportation and all involuntary hospitalization costs~~ shall be paid by:

(e) When a person is detained under W.S. 25-10-109, the county in which the person resided shall be liable for costs of treatment for the first seventy-two (72) hours of detention, in addition to any Saturday, Sunday or legal holiday that falls within the seventy-two (72) hours, or until ~~a hearing required under W.S. 25-10-109(h) is conducted~~ continued emergency detention is ordered, whichever occurs first. If the person remains in detention after the hearing pursuant to W.S. 25-10-109(k)(iii), the department shall directly, or under contract with local providers, provide psychiatric treatment until the person is released from detention or involuntary commitment is ordered. ~~When a person is detained under W.S. 25-10-110, the county shall be liable for costs of treatment for the first seventy two (72) hours, in addition to any Saturday, Sunday or legal holiday that falls within the seventy two (72) hours, or until a hearing required under W.S. 25-10-110 is conducted, but in no event shall the county be liable for costs of treatment occurring ten (10) or more days after the date of application for involuntary hospitalization is filed with the court.~~

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Section 2. This act is effective July 1, 2006.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk