

SENATE FILE NO. SF0040

Involuntary hospitalization and treatment.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to hospitalization and treatment of  
2 mentally ill persons; modifying procedures for involuntary  
3 hospitalization; providing for involuntary outpatient  
4 treatment; providing for and modifying definitions;  
5 amending provisions relating to representation by the state  
6 and county; amending provisions relating to payment by the  
7 county and by the state; repealing provisions; and  
8 providing for an effective date.

9

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

11

12 **Section 1.** W.S. 25-10-101(a) by creating a new  
13 paragraph (i), by creating a new paragraph (iii), by  
14 amending and renumbering (i) as (v), by creating new  
15 paragraphs (vi) and (vii), by renumbering (iii) as (ix), by  
16 creating new paragraphs (x) through (xiv), by renumbering  
17 paragraphs (v) and (vi) as (xv) and (xvi), by creating a

1 new paragraph (xvii), by renumbering (vii) as (xviii), by  
2 amending and renumbering (ix) and (x) as (xix) and (xx), by  
3 creating a new paragraph (xxi), by renumbering (xi) and  
4 (xv) as (xxii) and (xxiii), by creating a new paragraph  
5 (xxiv), by renumbering (xii) as (xxv), by amending and  
6 renumbering (xiii) as (xxvi), by creating a new paragraph  
7 (xxvii) and by amending and renumbering (xiv) as (xxviii),  
8 25-10-103, 25-10-104(a)(intro), (i) through (iv), (vi) and  
9 (vii), 25-10-105(a)(i) and (ii), 25-10-106(b)(i), (ii) and  
10 by creating a new subsection (c), 25-10-109(a), (b)(intro),  
11 (c) through (j), 25-10-110(a), (b), (d)(intro), (ii), (iv)  
12 through (vi), (g), (h), (j)(intro), (i)(intro), (A), (ii),  
13 by creating a new paragraph (iv), (k) and (n),  
14 25-10-112(a)(intro), (i), (ii), (b), (c)(intro), (d)(intro)  
15 and (e), 25-10-116(a), (b) and by creating a new subsection  
16 (d), 25-10-122(a)(intro), (ii) and (b), 25-10-125,  
17 25-10-127 by creating a new subsection (a) and by amending  
18 and renumbering (a) and (d) as (d) and (e) and  
19 42-4-103(a)(xvi) are amended to read:

20

21 **25-10-101. Definitions.**

22

23 (a) As used in this act:

24

1           (i) "Certifier" means a law enforcement officer  
2 or a licensed:

3

4           (A) Psychiatrist or physician;

5

6           (B) Psychologist;

7

8           (C) Professional counselor, addictions  
9 therapist, clinical social worker or marriage and family  
10 therapist;

11

12           (D) Physician's assistant;

13

14           (E) Advanced practice registered nurse with  
15 a clinical specialty in psychiatric and mental health  
16 nursing working in collaboration with a licensed physician;  
17 or

18

19           (F) Nurse practitioner.

20

21           (iii) "County attorney" means the county  
22 attorney or the county and prosecuting attorney;

23

1           ~~(i)~~(v) "Court" means the district court ~~which~~  
2 ~~ordered detention or hospitalization of the person pursuant~~  
3 ~~to this act, or the district court in the county where the~~  
4 ~~person resides, is found or is hospitalized~~ of the county  
5 in which an application for involuntary hospitalization or  
6 involuntary outpatient treatment is filed;

7

8           (vi) "Danger to himself" means that a person, as  
9 evidenced by his current or past behavior, is likely in the  
10 reasonably foreseeable future:

11

12           (A) To attempt suicide or to inflict  
13 serious bodily harm on himself; or

14

15           (B) To suffer serious physical harm as a  
16 result of his actions or inaction.

17

18           (vii) "Danger to others" means that a person, as  
19 evidenced by his current or past behavior, is likely in the  
20 reasonably foreseeable future, to cause or attempt to cause  
21 harm to another. Evidence that a person is a danger to  
22 others may include, but is not limited to:

23

1                   (A) That he has inflicted, attempted or  
2 threatened in an objectively serious manner to inflict  
3 bodily harm on another;

4  
5                   (B) That he has presented a danger to  
6 another person by his actions or inaction; or

7  
8                   (C) That he has recently and intentionally  
9 caused significant damage to the substantial property of  
10 others.

11  
12                   ~~(iii)~~ (ix) "Department" means the state  
13 department of health;

14  
15                   (x) "Designated hospital" means a hospital  
16 designated pursuant to W.S. 25-10-104;

17  
18                   (xi) "Emergency detention certification" means a  
19 form provided by the department used to certify the need  
20 for emergency detention of a patient;

21  
22                   (xii) "Emergency medical facility" means an  
23 emergency unit of a hospital as defined in paragraph (xvi)

1 of this subsection or an emergency unit of a hospital as  
2 defined in W.S. 35-2-901;

3

4 (xiii) "Evaluator" means a person who is  
5 employed by a treatment facility or who has a contract with  
6 the department to conduct evaluations and who is a  
7 licensed:

8

9 (A) Psychiatrist or physician;

10

11 (B) Psychologist;

12

13 (C) Professional counselor, addictions  
14 therapist, clinical social worker or marriage and family  
15 therapist;

16

17 (D) Physician's assistant;

18

19 (E) Advanced practice registered nurse with  
20 a clinical specialty in psychiatric and mental health  
21 nursing working in collaboration with a licensed physician;

22

23 (F) Nurse practitioner.

24

1                   (xiv) "Gravely disabled" means:

2

3                   (A) A person has a substantial disorder of  
4 thought, mood, perception, orientation or memory;

5

6                   (B) The disorder grossly impairs the  
7 person's judgment, behavior, capacity to recognize reality  
8 or ability to meet the ordinary demands of life; and

9

10                  (C) The disorder has contributed to  
11 behavior that indicates the person is unlikely to satisfy  
12 his need for nourishment, essential personal or medical  
13 care, shelter, self-protection or safety. No person shall  
14 be deemed unable to satisfy his need for nourishment,  
15 essential personal or medical care, shelter, self-  
16 protection or safety if he is willing and able to meet  
17 those needs with the supervision and assistance of others  
18 who are willing and available to assist him.

19

20                  ~~(v)~~ (xv) "Head of hospital" means the individual  
21 in charge of a hospital or his designee. When this act  
22 requires or authorizes the head of a hospital to perform an  
23 act which involves the practice of medicine, the act shall  
24 be performed by a physician;

1

2 ~~(vi)~~ (xvi) "Hospital" means a facility designated  
3 pursuant to W.S. 25-10-104 or the state hospital;

4

5 (xvii) "Medically cleared" means a physician or  
6 his designee has examined the patient and the physician has  
7 determined the patient:

8

9 (A) Does not need emergency medical  
10 treatment; and

11

12 (B) Is not actively intoxicated by a  
13 substance or drug. "Actively intoxicated" means the  
14 intoxication is causing symptoms of mental illness and is  
15 causing the patient to be a danger to himself or others.

16

17 ~~(vii)~~ (xviii) "Mental health center" means a  
18 community human services program for the prevention,  
19 treatment and amelioration of mental illness under W.S.  
20 35-1-611 through 35-1-627 or an equivalently staffed and  
21 equipped student health service;

22

23 ~~(ix)~~ (xix) "Mental illness" and "mentally ill"  
24 mean: ~~a physical, emotional, mental or behavioral disorder~~



1 ~~which causes a person to be dangerous to himself or others~~  
2 ~~and which requires treatment, but~~

3

4 (A) A person has a substantial disorder of  
5 thought, mood, perception, orientation or memory;

6

7 (B) The disorder grossly impairs the  
8 person's judgment, behavior, capacity to recognize reality  
9 or ability to meet the ordinary demands of life; and

10

11 (C) Because of the disorder, the person is:

12

13 (I) A danger to himself or others; or

14

15 (II) Gravely disabled.

16

17 (D) "Mental illness" and "mentally ill" do  
18 not include addiction to drugs or alcohol, drug or alcohol  
19 intoxication or developmental disabilities, except when one  
20 (1) or more of those conditions co-occurs as a secondary  
21 diagnosis with a mental illness.†

22

1           ~~(x)~~(xx) "Patient" means ~~an individual receiving~~  
2 ~~treatment~~ a person admitted to a hospital under W.S.  
3 25-10-106 or a person who is detained pursuant to this act;

4  
5           (xxi) "Person responsible for the care and  
6 custody of the patient" means a parent, step-parent,  
7 guardian, relative, friend or other person who has provided  
8 for the patient's basic personal needs for food, clothing  
9 or shelter;

10

11           ~~(xi)~~(xxii) "Physician" means an individual  
12 licensed under the laws of this state to practice medicine,  
13 or a physician in the service of the United States  
14 government while in this state in the performance of his  
15 official duties;

16

17           ~~(xv)~~(xxiii) "Resident" means a United States  
18 citizen who has been a resident of and domiciled in Wyoming  
19 for not less than ninety (90) days and who has not claimed  
20 residency elsewhere for the purpose of obtaining medical or  
21 psychiatric services during that ninety (90) day period  
22 immediately preceding the date when services under this act  
23 were sought or imposed. "Resident" also includes any alien  
24 who has resided continuously in Wyoming for at least ninety

1 (90) days immediately prior to the date when services under  
2 this act were sought or imposed. "Resident" also includes  
3 any active duty member, the spouse or minor child of any  
4 active duty member of the armed forces of the United States  
5 who is stationed in Wyoming;

6  
7 (xxiv) "Rule" means a rule promulgated by the  
8 department pursuant to this act;

9  
10 (xii)(xxv) "State hospital" means the Wyoming  
11 state hospital at Evanston, Wyoming;

12  
13 (xiii)(xxvi) "Treatment" means diagnosis,  
14 evaluation, care and intervention., ~~which Treatment~~ may  
15 include psychiatric medication, individual and group mental  
16 health counseling, illness management diversion services  
17 ~~such as immediate linkages to mental health services in the~~  
18 ~~community and discharge planning. Treatment shall begin at~~  
19 ~~the time of detention, if the person knowingly and~~  
20 ~~voluntarily consents, and shall continue throughout~~  
21 ~~involuntary hospitalization. Treatment may be given~~  
22 ~~without the consent of the detained person or his parent or~~  
23 ~~guardian when treatment is limited to diagnosis or~~  
24 ~~evaluation or when treatment is necessary to prevent~~

1 ~~immediate and serious physical harm to the person or others~~  
2 and discharge planning. Treatment may be inpatient or  
3 outpatient. Outpatient treatment may include mental health  
4 services in the community, housing, residential treatment,  
5 crisis stabilization and related support. "Treatment" does  
6 not include observation or supervision;

7

8 (xxvii) "Treatment facility" means a community  
9 mental health center under contract with the department to  
10 provide outpatient treatment;

11

12 ~~(xiv)~~ (xxviii) "This act" means W.S. 25-10-101  
13 through ~~25-10-305,~~ 25-10-127.

14

15 **25-10-103. Admission and treatment of persons with**  
16 **mental illness.**

17

18 Subject to the rules and regulations of the hospital  
19 department, the head of a hospital or a treatment facility  
20 may admit ~~persons~~ and treat patients who have symptoms of  
21 mental illness pursuant to ~~W.S. 25-10-106, 25-10-109 or~~  
22 ~~25-10-110~~ this act.

23

1           25-10-104. Duties of department of health as to  
2 treatment facilities and designated hospitals.

3

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

7

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

12

13           (ii) Designate hospitals ~~or other licensed~~ and  
14 treatment facilities which qualify under the standards  
15 adopted pursuant to paragraph (i) of this subsection. The  
16 designated hospitals and treatment facilities shall be  
17 posted on the department's website;

18

19           (iii) Enter into contracts with designated  
20 hospitals ~~or other licensed~~ and treatment facilities for  
21 the inpatient and outpatient treatment of ~~persons~~ patients  
22 with mental illness, ~~and~~ for other services incident to the  
23 hospitalization and treatment of patients. Designated  
24 hospitals ~~or other licensed treatment facilities~~ having a

1 contract with the department and treatment facilities shall  
2 treat and receive ~~individuals detained~~ patients under ~~W.S.~~  
3 ~~25-10-109~~ this act;

4  
5 (iv) Require reports from designated hospitals  
6 ~~and other licensed~~ and treatment facilities concerning the  
7 services rendered to patients under the provisions of this  
8 act;

9  
10 (vi) Investigate complaints made by or on behalf  
11 of patients ~~with mental illness~~ under this act; and

12  
13 (vii) Promulgate rules and regulations,  
14 ~~including rules regarding reimbursement~~ under W.S.  
15 ~~25-10-112~~ necessary to implement this act.

16  
17 **25-10-105. Duties of department of health as to state**  
18 **hospital.**

19  
20 (a) The department shall:

21  
22 (i) Adopt standards governing the state  
23 hospital; and

24

1 (ii) Visit the state hospital to review methods  
2 of treatment of patients ~~;~~ ~~and~~

3  
4 **25-10-106. Voluntary applications for admission.**

5  
6 (b) A person who has symptoms of mental illness but  
7 because of minority or incompetency is not capable of  
8 making a responsible, voluntary application for admission  
9 may be admitted for treatment upon application by a parent  
10 or guardian if the application:

11  
12 (i) Is accompanied by a statement of an ~~examiner~~  
13 evaluator that the person is mentally ill; and

14  
15 (ii) An ~~examiner at the hospital~~ evaluator,  
16 based on a personal interview, determines that the person  
17 is mentally ill.

18  
19 (c) Notwithstanding any other provision of this act,  
20 neither the department nor any county shall be liable under  
21 this act for costs associated with evaluation or treatment  
22 of a person voluntarily admitted under this section.

23

1           25-10-109.   **Emergency           detention;           evaluation;**  
2 **treatment.**

3

4           (a)   When a ~~law enforcement officer or examiner~~  
5 certifier has reasonable cause to believe a person is  
6 mentally ill ~~pursuant to~~ as defined by W.S. 25-10-101, the  
7 certifier may detain the person ~~may be detained by~~  
8 completing an emergency detention certification.

9

10           (b) ~~Immediately after detaining the person, the~~  
11 ~~officer shall contact an examiner~~ The patient shall be  
12 examined by a physician or his designee immediately after  
13 he is detained. If the patient was not detained at an  
14 emergency medical facility, the certifier shall facilitate  
15 the transfer of the patient to an emergency medical  
16 facility for a medical examination. Once the patient has  
17 been medically cleared by a physician, the physician shall  
18 notify the evaluator. A preliminary ~~examination~~ evaluation  
19 of the ~~person~~ patient shall be conducted by an ~~examiner~~  
20 evaluator within ~~twenty four (24)~~ four (4) hours after the  
21 ~~detention. If a preliminary examination is not conducted~~  
22 ~~within twenty four (24) hours the detained person shall be~~  
23 ~~released. If the examiner giving the preliminary~~  
24 ~~examination~~ patient has been medically cleared. If the



1 evaluator finds that the patient is mentally ill, the  
2 patient shall remain detained. A patient who remains  
3 detained shall be transferred as soon as possible to the  
4 nearest hospital with capacity to treat the patient. The  
5 patient shall be released if an evaluation is not timely  
6 conducted or if the evaluator finds that the ~~person:~~  
7 patient is not mentally ill.

8  
9 (c) ~~No person~~ A second evaluation of the patient  
10 shall be ~~detained for more than seventy two (72) hours,~~  
11 ~~excluding Saturdays, Sundays and legal holidays, without a~~  
12 ~~hearing under subsections (h) through (k) of this section~~  
13 conducted by an evaluator no less than twenty-four (24)  
14 hours and no more than thirty-six (36) hours after the  
15 first evaluation. If the evaluator finds that the patient  
16 is mentally ill, the patient shall remain detained. The  
17 patient shall be released if an evaluation is not timely  
18 conducted or if the evaluator finds that the patient is not  
19 mentally ill.

20  
21 (d) ~~A person taken into custody under this section~~  
22 ~~may be detained in a hospital or other suitable facility~~  
23 ~~which is appropriate under the circumstances.~~ The ~~person~~  
24 patient shall not be detained in a nonmedical facility used

1 for detention of persons charged with or convicted of penal  
2 offenses except in cases of extreme emergency. ~~or if there~~  
3 ~~are no other reasonable alternatives. The law enforcement~~  
4 ~~officer who detained the person shall immediately notify~~  
5 ~~the person responsible for the care and custody of the~~  
6 ~~detained person, if known, of the time and place of~~  
7 ~~detention.~~

8  
9 (e) The ~~law enforcement officer or examiner who~~  
10 ~~initially detained the person~~ certifier shall make a  
11 written statement of the facts of the emergency detention.  
12 A copy of the statement shall be given to the ~~detained~~  
13 ~~person~~ county attorney, the patient, the person responsible  
14 for the care and custody of the patient, if known, the  
15 department and to any subsequent ~~examiner~~ evaluator.

16  
17 (f) When a ~~person~~ patient is detained under ~~emergency~~  
18 ~~circumstances~~ this section, treatment may be given during  
19 the emergency detention period if the ~~person~~ patient  
20 voluntarily and knowingly consents. The parent or guardian  
21 of a minor or incompetent ~~person~~ patient may consent to  
22 treatment. If the parent or guardian of a minor patient  
23 does not consent to treatment, a petition may be filed  
24 under the Child Protection Act. Treatment may be given

1 without the consent of the ~~detained person~~ patient or his  
2 parent or guardian when treatment is limited to diagnosis  
3 or evaluation or when treatment is necessary to prevent  
4 immediate and serious physical harm to the ~~person~~ patient  
5 or others. Prior to treatment, the ~~person~~ patient shall be  
6 fully advised of the scope of treatment, and a report of  
7 the treatment shall be filed with the court if ~~involuntary~~  
8 ~~hospitalization~~ proceedings are commenced under W.S.  
9 25-10-110. An ~~examiner or a physician~~ evaluator or provider  
10 who provides treatment in good faith pursuant to this  
11 subsection shall be immune from civil liability for the  
12 treatment except there shall be no immunity from liability  
13 for negligent acts or deliberate misconduct.

14

15 (g) At the time of emergency detention the ~~person~~  
16 patient shall be informed orally and in writing of his  
17 right to contact his family and an attorney, of his right  
18 to appointed counsel if he is indigent, of his right to  
19 remain silent and that his statements may be used as a  
20 basis for involuntary hospitalization or involuntary  
21 outpatient treatment.

22

23 (h) ~~When a person is~~ If a patient detained in  
24 emergency detention ~~and is not released after the first~~

1 evaluation or second evaluation, the county attorney may  
2 file an application for involuntary hospitalization ~~is~~  
3 ~~filed, the court shall appoint an attorney to represent the~~  
4 ~~detained person unless he has his own attorney, and the~~  
5 ~~court shall conduct a hearing within seventy-two (72)~~  
6 ~~hours, excluding Saturdays, Sundays and legal holidays, of~~  
7 ~~the initial detention to determine whether continued~~  
8 ~~detention is required pending involuntary hospitalization~~  
9 ~~proceedings. Notice of the preliminary hearing shall be~~  
10 ~~given to the detained person and his attorney. The court~~  
11 ~~may delay the hearing only at the request of the detained~~  
12 ~~person or his parent, guardian or his attorney. An~~  
13 ~~emergency detention hearing may be waived at the request of~~  
14 ~~the detained person or the detained person's attorney,~~  
15 ~~except in cases where a licensed physician's assistant was~~  
16 ~~the only examiner for the emergency detention. If an~~  
17 ~~emergency detention hearing has been waived, the court may~~  
18 ~~immediately conduct the involuntary hospitalization~~  
19 ~~hearing, provided that a licensed physician's assistant~~  
20 ~~shall not be the examiner for an involuntary~~  
21 ~~hospitalization hearing~~ or involuntary outpatient treatment  
22 under W.S. 25-10-110.

23

1           (j) ~~At the hearing the court shall advise~~ If the  
2 evaluator finds that the ~~detained person and his parent,~~  
3 ~~guardian or attorney of the contents of the written~~  
4 ~~statement of emergency detention required in subsection (e)~~  
5 ~~of this section and the application for involuntary~~  
6 ~~hospitalization~~ patient is mentally ill, the patient or the  
7 person responsible for his care and custody and the county  
8 attorney may agree to a voluntary outpatient treatment plan  
9 if the evaluator finds that the patient is likely to follow  
10 a voluntary treatment plan and will not likely harm himself  
11 or others while subject to the plan. Treatment under this  
12 subsection shall be subject to the following:

13

14           (i) The treatment plan shall be prepared by the  
15 evaluator. In preparing the plan, the evaluator shall  
16 consult the treating providers, the patient and the person  
17 responsible for the care and custody of the patient, if  
18 known;

19

20           (ii) The treatment plan shall set forth the  
21 period of treatment. The plan may require periodic  
22 reporting, continuation of medication and submission to  
23 testing and restriction of travel, consumption of alcoholic

1 beverages or drugs, associations with other persons or  
2 other reasonable conditions;

3  
4 (iii) Treatment shall be provided by a treatment  
5 facility if public funds are paid for treatment;

6  
7 (iv) The treatment facility or treatment  
8 provider shall immediately report to the county attorney  
9 any material noncompliance by the patient with the  
10 treatment plan;

11  
12 (v) If the patient fails to comply with the  
13 conditions or complete the treatment plan, the county  
14 attorney may file an application for involuntary  
15 hospitalization or involuntary outpatient treatment under  
16 W.S. 25-10-110.

17  
18 **25-10-110. Involuntary hospitalization or involuntary**  
19 **outpatient treatment proceedings.**

20  
21 (a) Proceedings for ~~the~~ involuntary hospitalization  
22 ~~of a person~~ or involuntary outpatient treatment may be  
23 commenced ~~by the filing of a written application with the~~  
24 ~~court~~ by the county attorney in the county in which the

1 ~~person~~ patient is initially detained. ~~Proceedings may also~~  
2 ~~be initiated~~ or in the county in which there is a  
3 ~~designated~~ hospital ~~if there is a written agreement~~  
4 ~~executed by the county in which the person resides and the~~  
5 ~~designated hospital stating that the county in which the~~  
6 ~~person resides will be responsible for costs of treatment~~  
7 ~~under W.S. 25-10-112(e) that are not covered by the state~~  
8 or treatment facility. The county attorney shall appear on  
9 behalf of the state. The proceedings shall be commenced by  
10 filing a written application with the court captioned "In  
11 the Interest of ...". The application shall be accompanied  
12 by either:

13

14 (i) A ~~certificate~~ statement of an ~~examiner~~  
15 ~~stating~~ evaluator setting forth:

16

17 (A) That he has ~~examined the proposed~~  
18 evaluated the patient, ~~not more than fifteen (15) days~~  
19 ~~prior to the date that the application was filed under this~~  
20 ~~subsection~~ reviewed the patient's medical and treatment  
21 records and consulted with the treating providers where the  
22 patient is detained;

23

1 (B) His findings and the ~~proposed~~ patient's  
2 history; and

3  
4 (C) His opinion that the ~~proposed~~ patient  
5 is mentally ill; or

6  
7 (ii) A written statement by the ~~applicant and by~~  
8 ~~an examiner~~ evaluator that the ~~proposed~~ patient has refused  
9 to submit to ~~examination by an examiner~~ an evaluation,  
10 together with a statement of the facts and circumstances  
11 supporting the application.

12  
13 (b) Except as provided in subsection (g) of this  
14 section, the court shall conduct a hearing within ninety-  
15 six (96) hours, excluding Saturdays, Sundays and legal  
16 holidays, of the initial detention under W.S. 25-10-109(a).

17 Unless the ~~proposed~~ patient is represented by counsel, the  
18 court shall appoint an attorney to represent him.

19  
20 (d) Upon ~~receipt of an~~ filing the application, the  
21 ~~court~~ county attorney shall ~~issue~~ serve notice thereof to  
22 the ~~proposed~~ patient, the person responsible for the care  
23 ~~er~~ and custody of the ~~proposed~~ patient, if known, the  
24 department and other persons designated by the court. The



1 notice shall be served as provided by the Wyoming Rules of  
2 Civil Procedure. The notice shall apprise the ~~proposed~~  
3 patient:

4  
5 (ii) Of the identity of the appointed ~~examiner,~~  
6 ~~and his authority to conduct an examination~~ evaluator;

7  
8 (iv) ~~Of the requirements for an~~ That the court  
9 may order involuntary hospitalization ~~order or involuntary~~  
10 outpatient treatment under ~~subsection (j) of~~ this section;

11  
12 (v) Of the basis for the proposed  
13 hospitalization or involuntary outpatient treatment,  
14 including a detailed statement of the facts and supporting  
15 testimony; and

16  
17 (vi) ~~That a~~ The time and date of the hearing.  
18 ~~will be held if warranted by the report of the examination~~  
19 ~~of the proposed patient.~~

20  
21 (g) Within ~~five (5) days~~ twenty-four (24) hours of  
22 receipt of the notice of hearing, the ~~proposed~~ patient or  
23 his counsel may request a hearing before a jury. The  
24 hearing shall begin within fifteen (15) days of the jury

1 request. The patient shall remain involuntarily detained  
2 until the completion of the hearing. If upon the basis of  
3 the appointed ~~examiner's~~ evaluator's report or from other  
4 information available to the court, the court concludes  
5 that the ~~proposed~~ patient does not understand his rights,  
6 the court may call a jury upon its own motion or upon the  
7 request of the person responsible for the care and custody  
8 of the ~~proposed~~ patient. A jury shall be selected pursuant  
9 to W.S. 1-11-101 through 1-11-129, and the proceedings  
10 shall follow the Wyoming Rules of Civil Procedure.

11

12 (h) The ~~proposed~~ patient, the ~~applicant~~ county  
13 attorney, and all others to whom notice is required may  
14 appear at the hearing ~~to testify~~ and may present witnesses.  
15 The court may receive the testimony of other persons. The  
16 ~~proposed~~ patient shall be present at the hearing unless he  
17 waives his right to appear. All persons not necessary to  
18 protect the rights of the parties shall be excluded from  
19 the hearing. The hearing shall be conducted in as informal  
20 a manner as is consistent with orderly procedure and in a  
21 physical setting which will not have a harmful effect on  
22 the mental health of the ~~proposed~~ patient. Reliable hearsay  
23 evidence shall be admissible, including evidence upon which  
24 the evaluator relied in forming his opinion. Any hearing

1 conducted under this subsection shall be recorded by the  
2 court reporter or by electronic, mechanical or other  
3 appropriate means. The county attorney shall provide the  
4 department with all final orders entered by the court  
5 requiring involuntary hospitalization or involuntary  
6 outpatient treatment.

7  
8 (j) If, upon completion of the hearing and  
9 consideration of the record, the court or the jury finds by  
10 clear and convincing evidence that the ~~proposed~~ patient is  
11 mentally ill the court shall consider the least restrictive  
12 and most therapeutic alternatives, including involuntary  
13 outpatient treatment, and shall:

14  
15 (i) ~~Order his~~ If hospitalization, ~~assign him to~~  
16 ~~a hospital, and~~ is ordered:

17  
18 (A) Send to the hospital, with the patient  
19 a certified copy of the findings of fact and order and a  
20 copy of the ~~examiner's~~ evaluator's report;

21  
22 (ii) ~~Suspend the proceedings pending voluntary~~  
23 ~~treatment as approved by the examiner and by the facility~~  
24 ~~or individual who will provide the treatment.~~ If the court

1 finds that the ~~proposed~~ patient does not require ~~continuous~~  
2 inpatient hospitalization, ~~would be more appropriately~~  
3 ~~treated in an~~ and that the patient is likely to comply with  
4 an outpatient treatment order and will not likely cause  
5 harm to himself or others while subject to an outpatient  
6 treatment order, the court may order involuntary outpatient  
7 treatment. ~~program or a combination of outpatient and~~  
8 ~~inpatient treatment or will be able to appropriately~~  
9 ~~control his illness by following a prescribed treatment~~  
10 ~~plan, the court shall consider such treatment options. If~~  
11 ~~the court finds that the proposed patient does not require~~  
12 ~~continuous hospitalization and the funding is available, it~~  
13 ~~shall consider conditional outpatient treatment for a~~  
14 ~~period of time deemed appropriate and may designate an~~  
15 ~~outpatient care provider, including mental health centers.~~  
16 ~~Conditional outpatient treatment~~ Involuntary outpatient  
17 treatment shall be subject to the following:

18  
19 (A) The court shall set forth the period of  
20 treatment in the order and require the patient to comply  
21 with a treatment plan prepared by the evaluator;

22  
23 (B) The evaluator shall consult the  
24 treating providers, the patient and the person responsible

1 for the care and custody of the patient, if known, in  
2 preparing the plan;

3  
4 (C) Treatment shall be provided by a  
5 treatment facility if public funds are paid for treatment;

6  
7 (D) The court shall order the patient to  
8 comply with all directives and treatment required by the  
9 treatment facility or treatment provider. The court may

10 require periodic reporting, continuation of medication and  
11 submission to testing and restriction of travel,  
12 consumption of alcoholic beverages or drugs, associations  
13 with other persons or other reasonable conditions as the  
14 court may specify; ~~provided the court may suspend the~~  
15 ~~imposition of the conditional outpatient treatment order~~  
16 ~~for failure to meet the conditions and order involuntary~~  
17 ~~hospitalization under this section; or~~

18  
19 (E) The treatment facility or treatment  
20 provider shall immediately report to the county attorney  
21 any material noncompliance by the patient with the  
22 outpatient treatment order;

23

1                   (F) The court retains jurisdiction to  
2 modify or revoke the outpatient treatment order at any  
3 time;

4  
5                   (G) Upon motion of the county attorney to  
6 modify or revoke the outpatient treatment order, the court  
7 may enter an ex parte order for immediate detention if the  
8 court finds that the patient is a danger to himself or  
9 others. If the court enters an ex parte order of  
10 detention, the matter shall be set for hearing within  
11 ninety-six (96) hours, excluding Saturdays, Sundays and  
12 legal holidays, of the time the patient is taken into  
13 custody;

14  
15                   (H) Notice of a hearing on a motion to  
16 modify or revoke the order for outpatient treatment shall  
17 be given as provided in subsection (d) of this section. If  
18 the court finds by a preponderance of evidence that the  
19 patient violated any condition of the outpatient treatment  
20 order, the court may modify the conditions of treatment or  
21 may enter an order for inpatient hospitalization.

22  
23                   (iv) Suspend the proceedings pending voluntary  
24 treatment as approved by the evaluator and by a treatment

1 facility or the treatment provider if the court finds the  
2 patient will not likely harm himself or others while  
3 subject to voluntary treatment.

4  
5 (k) The court is authorized to appoint a special  
6 commissioner to assist in the conduct of involuntary  
7 hospitalization and involuntary outpatient proceedings. In  
8 proceedings under this act, regularly appointed court  
9 commissioners may exercise the authority granted by W.S.  
10 5-3-307. In any case in which the court refers an  
11 application to the commissioner, the commissioner shall  
12 conduct the involuntary hospitalization and outpatient  
13 treatment proceedings under this section and on the basis  
14 thereof shall either recommend dismissal of the application  
15 or hold a hearing as provided in this section and make  
16 recommendations to the court regarding the disposition of  
17 the ~~proposed~~ patient and of the proceedings.

18  
19 (n) The court shall inquire into the medical  
20 condition of every patient found to be mentally ill. If the  
21 court determines based upon the advice of a physician, that  
22 the patient's present primary need is for medical treatment  
23 or care and whose need for psychiatric care is secondary,  
24 the court may delay ordering the ~~commitment~~ involuntary

1 hospitalization or involuntary outpatient treatment of the  
2 patient ~~to the Wyoming state hospital~~ until such time as  
3 the patient receives medical care and the patient's need  
4 for psychiatric care is primary.

5

6 **25-10-112. Liability for proceedings and costs of**  
7 **detention, involuntary hospitalization and involuntary**  
8 **outpatient treatment.**

9

10 (a) Subject to the provisions of subsections (d) and  
11 (e) of this section and W.S. 25-10-106, the county in which  
12 a ~~person is detained or in which involuntary~~  
13 ~~hospitalization proceedings are brought~~ patient is a  
14 resident shall pay the costs of detention as follows:

15

16 (i) The county shall pay the costs of the first  
17 seventy-two (72) hours of detention, in addition to any  
18 Saturday, Sunday or legal holiday that falls within the  
19 seventy-two (72) hours, pursuant to W.S. 25-10-109,  
20 ~~including costs of~~ and 25-10-110. "Costs" means the  
21 expenses of transportation, involuntary outpatient  
22 treatment, involuntary hospitalization and related medical  
23 treatment for those conditions:

24



1 (A) That resulted in the emergency  
2 detention of the person-patient; or

3

4 (B) That are attributable to affirmative  
5 actions taken by the person-patient that have placed the  
6 person-patient in danger of suicide or serious bodily harm  
7 and require immediate medical attention.

8

9 (ii) Proceedings for ~~detention or~~ involuntary  
10 hospitalization or involuntary outpatient treatment  
11 pursuant to W.S. ~~25-10-109 or~~ 25-10-110. The costs of  
12 these proceedings shall include the cost of appointed  
13 counsel, and examiners but shall not include the cost of  
14 the evaluator;

15

16 (b) ~~Subject to the provisions of subsection (d) of~~  
17 ~~this section, When a detained person or proposed patient is~~  
18 not a resident of Wyoming, the department shall pay the  
19 costs listed in ~~paragraphs (a)(i) through (iii)~~ subsection  
20 (a) of this section.

21

22 (c) ~~Subject to the provisions of subsections (d) and~~  
23 ~~(e) of this section, if continued emergency detention is~~  
24 ~~ordered pursuant to W.S. 25-10-109(k)(iii), the county's~~

1 ~~liability for any costs of detention, treatment or~~  
2 ~~transportation shall terminate after the first seventy two~~  
3 ~~(72) hours of detention, in addition to any Saturday,~~  
4 ~~Sunday or legal holiday. The department shall be~~  
5 ~~responsible for those costs after the expiration of the~~  
6 ~~county's responsibility for payments of the costs. The~~  
7 ~~county attorney shall notify the department of the~~  
8 ~~continued emergency detention order or involuntary~~  
9 ~~hospitalization order within twenty four (24) hours. After~~  
10 the first seventy-two (72) hours of detention, in addition  
11 to any Saturday, Sunday or legal holiday that falls within  
12 the seventy-two (72) hours, the department shall pay all  
13 costs of transportation, involuntary outpatient treatment,  
14 ~~transportation and continued emergency detention incurred~~  
15 ~~after the first seventy two (72) hours of detention, in~~  
16 ~~addition to any Saturday, Sunday or legal holiday, shall be~~  
17 ~~paid by: and involuntary hospitalization.~~

18

19 (d) The hospital or ~~other treatment provider~~  
20 treatment facility shall attempt to recover all costs of  
21 treatment from public and private health insurance, from  
22 patients, and from government benefit programs prior to  
23 seeking payment from the county or the department. The  
24 hospital or ~~other treatment provider~~ treatment facility

1 shall have discharged its obligation to recover costs under  
2 this subsection if it:

3  
4 (e) When a ~~person~~ patient is detained under W.S.  
5 25-10-109 or 25-10-110, the ~~county in which the person~~  
6 ~~resided shall be liable for costs of treatment for the~~  
7 ~~first seventy two (72) hours of detention, in addition to~~  
8 ~~any Saturday, Sunday or legal holiday that falls within the~~  
9 ~~seventy two (72) hours. If the person remains in detention~~  
10 ~~after the hearing pursuant to W.S. 25-10-109(k)(iii), the~~  
11 ~~department shall directly, or under contract with local~~  
12 ~~providers, provide treatment for those conditions specified~~  
13 ~~in paragraph (a)(i) of this section until the person is~~  
14 ~~released from detention or involuntary commitment is~~  
15 ~~ordered, subject to payment of costs as provided in this~~  
16 ~~subsection or subsection (c) of this section~~ department  
17 shall pay the cost of the evaluator and any treatment plan  
18 prepared by the evaluator.

19

20 **25-10-116. Periodic examinations of patients;**  
21 **determination of discharge or continued hospitalization;**  
22 **notice; hearing.**

23

1           (a) Three (3) months after each patient's admission  
2 to the hospital, the head of the hospital shall evaluate  
3 the progress of each patient and shall reevaluate the  
4 treatment and progress every six (6) months thereafter. The  
5 evaluation shall consider whether voluntary or involuntary  
6 outpatient treatment is appropriate.

7  
8           (b) When the head of a hospital determines after the  
9 examination required by subsection (a) of this section or  
10 by W.S. 25-10-113 that the conditions justifying  
11 ~~hospitalization of involuntary patients~~ hospitalization no  
12 longer exist, he shall report his determination to the  
13 court, the county attorney, the district attorney, ~~family~~  
14 ~~members and the mental health center which were involved in~~  
15 ~~the initial proceedings.~~ Unless, if the patient is held  
16 under an order of a court having criminal jurisdiction, the  
17 patient and the person responsible for the patient's care  
18 and custody, if known. The report shall include a discharge  
19 plan. If, within ~~three (3)~~ five (5) days after the notice  
20 is sent, the county attorney, the patient or the person  
21 responsible for the patient's care or custody files an  
22 objection, the court ~~upon motion orders~~ shall order a  
23 hearing on continuing the patient's hospitalization. 7 The  
24 hearing shall be held within fourteen (14) days of receipt

1 of the objection. Notice of the hearing shall be given to  
2 the county attorney, the district attorney if the patient  
3 is held under an order of a court having criminal  
4 jurisdiction, the patient, the person responsible for the  
5 patient's care and custody, if known, and the hospital. The  
6 county attorney shall appear at the hearing to represent  
7 the county. The attorney general may represent the  
8 department at the hearing. The court may approve the  
9 discharge, order involuntary outpatient treatment subject  
10 to the requirements of W.S. 25-10-110(j) or may order other  
11 appropriate relief. If no objection is filed, the head of  
12 the hospital shall discharge the patient. ~~The hearing shall~~  
13 ~~be held as soon as practicable and shall follow the~~  
14 ~~procedures in W.S. 25-10-118. Notice of the hearing shall~~  
15 ~~conform with W.S. 25-10-116(c).~~

16  
17 (d) If the patient is held on order of a court having  
18 criminal jurisdiction in any action or proceeding arising  
19 out of a criminal offense, the court having criminal  
20 jurisdiction in the matter shall conduct the hearing under  
21 subsection (c) of this section. In all events, the court  
22 shall conduct a hearing not less than once each year to  
23 determine whether the continued hospitalization of the  
24 patient is necessary, based on the reports required under

1 this section and any other information provided to the  
2 court by a hospital or a federal hospital under W.S.  
3 25-10-111 or the patient's counsel. The county attorney  
4 shall represent the county at the hearing. The attorney  
5 general may represent the department at the hearing. After  
6 a hearing, the court shall make its findings and enter an  
7 order continuing hospitalization, requiring involuntary  
8 outpatient treatment subject to the requirements of W.S.  
9 25-10-110(j) or may order other appropriate relief.

10  
11 **25-10-122. Records to be kept confidential;**  
12 **exceptions.**

13  
14 (a) Records and reports made under this act which  
15 directly or indirectly identify a patient, a former patient  
16 or an individual for whom an application for  
17 hospitalization or involuntary outpatient treatment has  
18 been filed, shall be confidential and shall not be  
19 disclosed by any person unless:

20  
21 (ii) Disclosure is necessary to carry out this  
22 act, including disclosure to county or state officials  
23 responsible for payment of costs under this act and for

1 enforcement of this act. Disclosure shall be limited to the  
2 minimum necessary to carry out the purposes of this act; or

3  
4 (b) Patient records identified in subsection (a) of  
5 this section may be provided without consent of the  
6 patient, parent or guardian by and between a ~~mental health~~  
7 ~~center~~ treatment facility, a treating provider, the state  
8 hospital and hospitals designated under W.S. 25-10-104,  
9 only for the purpose of facilitating referral treatment,  
10 admission, readmission or transfer of the patient under  
11 this act or for subsequent treatment of a patient for a  
12 mental illness.

13  
14 **25-10-125. Clothing and transportation upon**  
15 **discharge.**

16  
17 (a) The department, pursuant to W.S. 25-10-112 shall  
18 insure that a patient who is discharged from the state's  
19 custody after seventy-two (72) hours has occurred from the  
20 initial detention possesses suitable clothing and adequate  
21 means to insure his arrival at the home from which he was  
22 admitted or another place within the state, which is in the  
23 best interests of the state and of the patient.

24

1           (b) The county responsible for payment of costs  
2 pursuant to W.S. 25-10-112(a) shall insure that a patient  
3 discharged from ~~emergency~~ detention within seventy-two (72)  
4 hours, ~~or upon expiration of emergency detention after~~  
5 ~~seventy-two (72) hours without a court order for~~  
6 ~~hospitalization under W.S. 25-10-110,~~ of the initial  
7 detention possesses suitable clothing and adequate means to  
8 insure his arrival at the home from which he was admitted  
9 or another place, which is in the best interests of the  
10 county and of the patient.

11

12           **25-10-127. Trial placement; convalescent leave;**  
13 **discharge; readmittance.**

14

15           (a) During a period of detention of a patient under  
16 W.S. 25-10-110, the state hospital or a designated hospital  
17 may grant a patient placement into the community on a trial  
18 basis subject to the following:

19

20           (i) The hospital has determined that the patient  
21 is likely to follow the conditions the hospital determines  
22 necessary for the patient and has determined that the  
23 patient will not likely harm himself or others during the  
24 trial placement;



1

2

(ii) The trial placement shall not constitute a discharge from the hospital;

4

5

(iii) The patient agrees to any conditions the hospital determines are necessary during the placement;

7

8

(iv) The hospital notifies the court and the county attorney prior to the trial placement:

10

11

(A) Where the patient will reside;

12

13

(B) How the patient will pay for his living expenses; and

15

16

(C) Any conditions of the placement.

17

18

(v) The trial placement shall not exceed two (2) months;

20

21

(vi) If medication management, monitoring or other outpatient services are required, a treatment facility has agreed to provide the treatment or services;

24

1           (vii) If the patient has successfully completed  
2 the trial placement, the hospital may transition the  
3 patient to convalescent leave under this section.

4  
5       ~~(a)(d)~~ After providing fourteen (14) days notice to  
6 the court and county attorney who initiated involuntary  
7 hospitalization procedures, the state hospital or a  
8 designated hospital may release an improved patient on  
9 convalescent ~~status.~~ leave subject to the following:

10  
11           (i) The hospital has determined that the patient  
12 is likely to follow the conditions the hospital determines  
13 necessary for the patient and has determined that the  
14 patient will not likely harm himself or others during  
15 convalescent leave;

16  
17           (ii) Release on convalescent ~~status~~ leave shall  
18 include a plan of treatment on an outpatient or nonhospital  
19 basis and other provisions for continuing responsibility to  
20 and by the hospital. Prior to the end of one (1) year on  
21 convalescent ~~status~~ leave, and not less than annually  
22 thereafter, the hospital shall reexamine the facts relating  
23 to the hospitalization of the patient on convalescent  
24 ~~status~~ leave and if the hospital determines hospitalization

1 is no longer anticipated, the hospital shall discharge the  
2 patient and make a report of discharge to the court and  
3 county attorney involved in ordering the hospitalization,  
4 if any;~~;~~

5  
6 (iii) The hospital from which the patient is  
7 given convalescent leave may readmit to the hospital an  
8 involuntary hospitalized patient who has been released on  
9 convalescent leave if the hospital reasonably believes that  
10 it is in the best interests of the patient. The patient  
11 readmitted shall have all the rights he had upon admission  
12 to the hospital. It is the responsibility of the hospital  
13 to provide or pay for any transportation or other services  
14 in connection with any revocation of a convalescent leave;

15  
16 (iv) The hospital shall discharge any patient  
17 who has remained on convalescent leave for a period of two  
18 (2) continuous years.

19  
20 ~~(d)~~(e) This section shall not apply to a person  
21 patient who has been committed to the hospital pursuant to  
22 a criminal proceeding.

23  
24 **42-4-103. Authorized services and supplies.**

1

2 (a) Services and supplies authorized for medical  
3 assistance under this chapter include:

4

5 (xvi) Services and treatment provided by an  
6 institution or treatment facility as defined by W.S.  
7 25-10-101(a)(xxvii) for mental illnesses;

8

9 **Section 2.** W.S. 25-10-101(a)(ii) and (iv),  
10 25-10-104(a)(v), 25-10-105(a)(iii), 25-10-109(b)(i) through  
11 (iii), (k) and (m), 25-10-110(c), (e), (f), (j)(iii) and  
12 (m), 25-10-112(c)(i), (ii) and (g), 25-10-123, 25-10-127(b)  
13 and (c) are repealed.

14

15 **Section 3.** This act is effective July 1, 2014.

16

17

(END)