

HOUSE BILL NO. HB0123

Involuntary commitments.

Sponsored by: Joint Judiciary 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 payment of costs for emergency  
 5 detentions; amending a definition; and providing for an  
 6 effective date.

7

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

9

10 **Section 1.** W.S. 25-10-101(a)(iv), 25-10-104(a)(intro)  
 11 and (i) through (v), 25-10-110(a)(intro) and (j)(intro) and  
 12 25-10-112(c)(into) and (e) are amended to read:

13

14 **25-10-101. Definitions.**

15

16 (a) As used in this act:

17

1           (iv) "Examiner" means a licensed psychiatrist, a  
2 licensed physician, a licensed advanced practitioner of  
3 nursing with a clinical specialty in psychiatric and mental  
4 health nursing working in collaboration with a licensed  
5 physician, a licensed psychologist, a licensed professional  
6 counselor, a licensed addictions therapist, a licensed  
7 clinical social worker or a licensed marriage and family  
8 therapist when working in collaboration with a licensed  
9 physician or licensed psychiatrist;

10  
11           **25-10-104. Duties of department of health and social**  
12 **services as to hospitals other than state hospital.**

13  
14           (a) The department, with respect to hospitals or  
15 other licensed treatment facilities other than the state  
16 hospital, shall:

17  
18           (i) Adopt standards for the designation of  
19 hospitals or other licensed treatment facilities as  
20 qualified to accept patients and provide treatment under  
21 this act;

22

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

4  
5           (iii) Enter into contracts with designated  
6 hospitals or other licensed treatment facilities for the  
7 housing and treatment of persons with mental illness, and  
8 other services incident to the hospitalization of patients.  
9 Designated hospitals or other licensed treatment facilities  
10 having a contract with the department shall receive  
11 individuals detained under W.S. 25-10-109;

12  
13           (iv) Require reports from designated hospitals  
14 or other licensed treatment facilities concerning the  
15 services rendered to patients under the provisions of this  
16 act;

17  
18           (v) Visit each designated hospital or other  
19 licensed treatment facility at least once a year to review  
20 methods of treatment for all patients with mental illness;

21  
22           **25-10-110. Involuntary hospitalization proceedings.**

23

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

6  
7 (j) If, upon completion of the hearing and  
8 consideration of the record, the court or the jury finds by  
9 clear and convincing evidence that the proposed patient is  
10 mentally ill the court shall consider the least restrictive  
11 and most therapeutic alternatives, and the state hospital  
12 shall serve as a hospital of last resort to receive  
13 patients if no local hospital is reasonably available, and  
14 the court shall:

15  
16 **25-10-112. Liability for costs of detention,**  
17 **involuntary hospitalization and proceedings therefor.**

18  
19 (c) Subject to the provisions of subsections (d) and  
20 (e) of this section, if ~~involuntary hospitalization~~  
21 continued emergency detention is ordered pursuant to W.S.  
22 ~~25-10-110~~ 25-10-109, the county's liability for any costs  
23 of detention, treatment or transportation shall at that  
24 time terminate. and the department shall ~~not~~ be responsible

1 for ~~the those~~ costs. ~~of treatment incurred after the entry~~  
2 ~~of the involuntary hospitalization order unless~~ The county  
3 attorney ~~notifies~~ shall notify the department of ~~that~~ the  
4 emergency order. Any costs of treatment incurred after the  
5 ~~involuntary hospitalization~~ emergency detention order, all  
6 costs of transportation and all ~~involuntary hospitalization~~  
7 emergency detention costs shall be paid by:

8  
9 (e) When a person is detained under W.S. 25-10-109,  
10 the county in which the person resided shall be liable for  
11 costs of treatment for the first seventy-two (72) hours of  
12 detention, in addition to any Saturday, Sunday or legal  
13 holiday that falls within the seventy-two (72) hours, or  
14 until ~~a hearing required under W.S. 25-10-109(h) is~~  
15 ~~conducted~~ continuing emergency detention is ordered. If the  
16 person remains in detention after the hearing pursuant to  
17 W.S. 25-10-109(k)(iii), the department shall directly, or  
18 under contract with local providers, provide psychiatric  
19 treatment until the person is released from detention or  
20 involuntary commitment is ordered. When a person is  
21 detained under W.S. 25-10-110, the county shall be liable  
22 only for costs of treatment for the first seventy-two (72)  
23 hours. ~~, in addition to any Saturday, Sunday or legal~~  
24 ~~holiday that falls within the seventy-two (72) hours, or~~

1 ~~until a hearing required under W.S. 25-10-110 is conducted,~~  
2 ~~but in no event shall the county be liable for costs of~~  
3 ~~treatment occurring ten (10) or more days after the date of~~  
4 ~~application for involuntary hospitalization is filed with~~  
5 ~~the court.~~

6

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

8

9

(END)