

WORKING DRAFT

HOUSE BILL NO. _____

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; and providing for an effective date.

6

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

8

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

12

13 **25-10-104. Duties of department of health and social**
14 **services as to hospitals other than state hospital.**

15

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

4
5 (i) Adopt standards for the designation of
6 hospitals or other licensed treatment facilities as
7 qualified to accept patients and provide treatment under
8 this act;

9
10 (ii) Designate hospitals or other licensed
11 treatment facilities which qualify under the standards
12 adopted pursuant to paragraph (i) of this subsection;

13
14 (iii) Enter into contracts with designated
15 hospitals or other licensed treatment facilities for the
16 housing and treatment of persons with mental illness, and
17 other services incident to the hospitalization of patients.
18 Designated hospitals or other licensed treatment facilities
19 having a contract with the department shall receive
20 individuals detained under W.S. 25-10-109;

21
22 (iv) Require reports from designated hospitals
23 or other licensed treatment facilities concerning the

1 services rendered to patients under the provisions of this
2 act;

3

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

8

9 **25-10-110. Involuntary hospitalization proceedings.**

10

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

16

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

1

2 **25-10-112. Liability for costs of detention,**
3 **involuntary hospitalization and proceedings therefor.**

4

5 (c) Subject to the provisions of subsections (d) and
6 (e) of this section, if ~~involuntary hospitalization~~
7 continued emergency detention is ordered pursuant to W.S.
8 ~~25-10-110~~ 25-10-109, the county's liability for any costs
9 of detention, treatment or transportation shall at that
10 time terminate. and the department shall ~~not~~ be
11 responsible for ~~the~~ those costs. ~~of treatment incurred~~
12 ~~after the entry of the involuntary hospitalization order~~
13 ~~unless~~ The county attorney ~~notifies~~ shall notify the
14 department of ~~that~~ the continued emergency detention order.
15 Any costs of treatment incurred after the ~~involuntary~~
16 ~~hospitalization~~ continued emergency detention order, all
17 costs of transportation and all ~~involuntary hospitalization~~
18 continued emergency detention costs shall be paid by:

19

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

17

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

19

20

(END)