

SENATE FILE NO. SF0015

Title 25 revisions.

Sponsored by: Select Committee on Mental Health and
Substance Abuse Services

A BILL

for

1 AN ACT relating to involuntary commitments and emergency
2 detentions; amending definitions as specified; expanding
3 the definition of "mental illness" and "mentally ill" as
4 specified; specifying services that can be considered
5 treatment; clarifying liability for costs of emergency
6 detention; specifying responsibility for the transportation
7 of a detainee, a patient and a discharged person under
8 specified conditions; authorizing counties to establish a
9 single point of responsibility for treatment of detainees;
10 conforming provisions; and providing for an effective date.

11

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

13

14 **Section 1.** W.S. 25-10-101(a)(iv), (ix), (xiii) and by
15 creating new paragraphs (xvi) through (xviii),
16 25-10-109(b)(ii) and (f), 25-10-112(a)(ii), (iii), by

1 creating a new paragraph (iv), (e) and by creating a new
2 subsection (g) and 25-10-125 are amended to read:

3

4 **25-10-101. Definitions.**

5

6 (a) As used in this act:

7

8 (iv) "Examiner" means a licensed psychiatrist, a
9 licensed physician, a licensed advanced practitioner of
10 nursing with a clinical specialty in psychiatric and mental
11 health nursing, ~~working in collaboration with a licensed~~
12 ~~physician,~~ a licensed psychologist, a licensed professional
13 counselor, a licensed addictions therapist, a licensed
14 clinical social worker or a licensed marriage and family
15 therapist;

16

17 (ix) "Mental illness" and "mentally ill" mean ~~a~~
18 ~~physical~~ any organic, emotional, ~~or~~ mental ~~or behavioral~~
19 ~~disorder~~ impairment that has substantial adverse effects on
20 an individual's cognitive or volitional functions which
21 causes a person to be dangerous to himself or others ~~or~~
22 unable to satisfy basic needs and which requires treatment.
23 "Mental illness" and "mentally ill" do not include
24 addiction to drugs or alcohol, drug or alcohol intoxication

1 or developmental disabilities, but may co-occur with
2 addiction or chemical dependency;

3
4 (xiii) "Treatment" means diagnosis, evaluation,
5 intervention, which may include psychiatric medication,
6 ~~therapy or prescribed care other than~~ individual and group
7 mental health counseling, illness management diversion
8 services such as immediate linkages to mental health
9 services in the community and discharge planning.
10 Treatment shall begin at the time of detention, if the
11 person knowingly and voluntarily consents, and shall
12 continue throughout involuntary hospitalization. Treatment
13 may be given without the consent of the detained person or
14 his parent or guardian when treatment is limited to
15 diagnosis or evaluation or when treatment is necessary to
16 prevent immediate and serious physical harm to the person
17 or others. "Treatment" does not include observation, or
18 supervision; ~~or discharge planning;~~

19
20 (xvi) "Dangerous to himself" means that a person
21 evidences a substantial probability of physical harm to
22 himself as manifested by evidence of recent threats of, or
23 attempts at, suicide or serious bodily harm;

24

1 (xvii) "Dangerous to others" means that a person
2 evidences a substantial probability of physical harm to
3 other individuals as manifested by a recent overt homicidal
4 act, attempt or threat or other violent act, attempt or
5 threat which places others in reasonable fear of serious
6 physical harm to them;

7
8 (xviii) "Unable to satisfy basic needs" means
9 that the person evidences behavior manifested by recent
10 acts or omissions that, due to mental illness, he is unable
11 to satisfy basic needs for nourishment, essential medical
12 care, shelter or safety so that a substantial probability
13 exists that death, serious physical injury, serious
14 physical debilitation, serious mental debilitation,
15 destabilization from lack of or refusal to take prescribed
16 psychotropic medications for a diagnosed condition or
17 serious physical disease will imminently ensue, unless the
18 individual receives prompt and adequate treatment for this
19 mental illness. The behaviors manifested by recent acts or
20 omissions may be exhibited through a totality of recent
21 circumstances and may include a history of mental illness,
22 including previous hospitalizations or detention under this
23 act. No person, however, shall be deemed to be unable to
24 satisfy his need for nourishment, essential medical care,

1 shelter or safety if he is able to satisfy those needs with
2 the supervision and assistance of others who are willing
3 and available.

4
5 **25-10-109. Emergency detention.**

6
7 (b) Immediately after detaining the person, the
8 officer shall contact an examiner. A preliminary
9 examination of the person shall be conducted by an examiner
10 within twenty-four (24) hours after the detention. If a
11 preliminary examination is not conducted within twenty-four
12 (24) hours the detained person shall be released. If the
13 examiner giving the preliminary examination finds that the
14 person:

15
16 (ii) Was mentally ill, but is no longer
17 dangerous to himself or others and is able to satisfy basic
18 needs, the person shall be released immediately; or

19
20 (f) When a person is detained under emergency
21 circumstances, treatment may be given during the emergency
22 detention period, if the person voluntarily and knowingly
23 consents. The parent or guardian of a minor or incompetent
24 person may consent to treatment. Treatment may be given

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

13

14 **25-10-112. Liability for costs of detention,**
15 **involuntary hospitalization and proceedings therefor.**

16

17 (a) Subject to the provisions of subsections (d) and
18 (e) of this section, the county in which a person is
19 detained or in which involuntary hospitalization
20 proceedings are brought shall pay the costs of:

21

22 (ii) Proceedings for detention or involuntary
23 hospitalization pursuant to W.S. 25-10-109 or 25-10-110.

1 The costs of these proceedings include the cost of
2 appointed counsel and examiners;~~and~~

3

4 (iii) Clothing, if the person does not have and
5 cannot afford to purchase adequate clothing;~~;~~ and

6

7 (iv) Any necessary travel to a hospital or a
8 detention facility, which shall be provided by a peace
9 officer or ambulance, except transportation provided under
10 W.S. 25-10-125(b) may be provided by any reasonable means
11 as determined by the county responsible for the payment of
12 such transportation.

13

14 (e) When a person is detained under W.S. 25-10-109,
15 the county in which the person resided shall be liable for
16 costs of treatment for the first seventy-two (72) hours of
17 detention, in addition to any Saturday, Sunday or legal
18 holiday that falls within the seventy-two (72) hours. If
19 the person remains in detention after the hearing pursuant
20 to W.S. 25-10-109(k)(iii), the department shall directly,
21 or under contract with local providers, provide psychiatric
22 treatment for those conditions specified in paragraph
23 (a)(i) of this section until the person is released from
24 detention or involuntary commitment is ordered, subject to

1 payment of costs as provided in this subsection or
2 subsection (c) of this section.

3

4 (g) Each board of county commissioners may establish
5 a single point of responsibility to identify, make
6 referrals to, intervene and coordinate with community or
7 regional resources prior to and after an emergency
8 detention. The single point of responsibility may be
9 assigned to a community mental health center, designated
10 hospital or other entity that is able to provide treatment
11 as defined under this act.

12

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

15

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

22

23 (b) The county responsible for payment of costs
24 pursuant to W.S. 25-10-112(a) shall insure that a patient

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

8

9 **Section 2.** W.S. 25-10-101(a)(ii) is repealed.

10

11 **Section 3.** This act is effective July 1, 2010.

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13

(END)