

Sponsored By: Joint Labor, Health & Social Services Interim Committee

AN ACT relating to hospitalization and treatment of mentally ill persons; modifying procedures for involuntary hospitalization; providing for directed outpatient commitment; amending convalescent status; providing for and modifying definitions; providing for access to patient records as specified; amending provisions relating to representation by the state and county of an involuntarily hospitalized or treated person; clarifying provisions relating to payment by the county for involuntary hospitalization and treatment; providing for the coordination of treatment and payment through gatekeepers as specified; and providing for an effective date.

2/2/2016 Bill Number Assigned
 2/5/2016 S Received for Introduction
 2/8/2016 S Introduced and Referred to S10 - Labor 29-0-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Barnard, Bebout, Boner, Burns, Case, Christensen, Coe, Cooper, Craft, Dockstader, Driskill, Emerich, Esquibel, F., Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas, P., Pappas, Perkins, Peterson, Rothfuss, Scott, Von Flatern, Wasserburger

Excused: Senator Ross

Ayes 29 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/17/2016 S10 - Labor:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Boner, Craft, Driskill, Peterson, Scott

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/17/2016 S Placed on General File

SF0058SS001/ADOPTED

Page 1-line 9 After "treatment;" insert "providing for the coordination of treatment and payment through gatekeepers as specified;".

Page 5-line 12 Delete "materially".

Page 5-line 14 Delete "material".

Page 6-line 15 Delete "a new paragraph" insert "new paragraphs (xiv) and (xvi) and by renumbering (xiv) as (xvii)".

Page 6-line 16 Delete line through "(xvi)".

Page 6-line 17 Delete "(i)," insert "(ii) through".

Page 6-line 21 After "25-10-112(c)(intro)" insert ", (g) and by creating new subsections (h) and (j)".

Page 8-line 13 After "treatment center" insert "or treatment provider".

Page 8-after line 14 Insert:
"(xvi) "Gatekeeper" means the single point of responsibility as described by W.S. 25-10-112(g);".

Page 8-line 16 Delete "(xvi)" insert "(xvii)".

Page 9-lines 9 through 11 Delete and insert:

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

Page 9-lines 13 through 16 Delete.

Page 9-after line 16 Insert:

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

(iii) Enter into contracts or agreements with designated hospitals or other ~~licensed~~ treatment ~~facilities~~ providers 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 having a contract with the department shall receive individuals detained under W.S. 25-10-109;~~".

Page 9-lines 18 through 22 Delete and insert:

"(iv) Require ~~reports~~ information from designated hospitals, ~~and~~ other ~~licensed~~ treatment ~~facilities~~ providers and outpatient care providers including mental health centers concerning the services rendered to patients under the provisions of this act;".

Page 13-line 15 After "alternatives" insert ", give consideration to any recommendations by the gatekeeper".

Page 18-line 15 After "costs." strike balance of line.

Page 18-line 16 Strike.

Page 18-line 17 Strike line through "hours."

Page 18-after line 21 Insert:

"(g) Each board of county commissioners may establish a single point of responsibility to identify, make referrals to, intervene and coordinate with community or regional resources prior to and after an emergency detention. The single point of responsibility may be assigned to a community mental health center, designated hospital, state funded crisis stabilization facility or other entity that ~~is able to provide treatment as defined under this act.~~ does not provide inpatient psychiatric treatment to patients under this act. The single point of responsibility shall mean a "gatekeeper." The gatekeeper shall make recommendations, as appropriate, to the county attorney, the person detained or his attorney or both, the department and the court.

(h) The county attorney shall notify the department and any gatekeeper of any detention, continued emergency detention order, directed outpatient commitment or involuntary hospitalization order within twenty-four (24) hours.

(j) The department, boards of county commissioners, designated hospitals, gatekeepers and other treatment providers may, upon contract or agreement, coordinate and monitor the services and payments required for the treatment of persons with mental illness as provided under this section. Pursuant to contract or agreement, the department may assume any part of the expenses associated with a gatekeeper which expenses would otherwise be the responsibility of a county under this act. "

SCOTT, CHAIRMAN

2/18/2016 S COW:Passed

2/19/2016 S 2nd Reading:Passed

2/22/2016 S 3rd Reading:Passed 30-0-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Barnard, Bebout, Boner, Burns, Case, Christensen, Coe, Cooper, Craft, Dockstader, Driskill, Emerich,

Ayes 30 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

ROLL CALL

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

ROLL CALL

Ayes 7 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

SF0058HS001/ADOPTED

(TO ENGROSSED COPY)

(CORRECTED COPY)

Page 6-line 15 After "(D)," insert "(iv),".

Page 7-After line 21 Insert:

"(iv) "Examiner" means a licensed psychiatrist, a licensed physician, ~~an a licensed~~ advanced practice registered nurse ~~with a clinical specialty in psychiatric and mental health nursing working in collaboration with a licensed physician,~~ a licensed physician assistant, a licensed psychologist, a licensed professional counselor, a licensed addictions therapist, a licensed clinical social worker or a licensed marriage and family therapist ~~For purposes of emergency detention proceedings only, "examiner" includes a licensed physician's assistant;"~~.

Page 9-line 3 After "**hospital**" insert "**or treatment center**".

Page 9-line 6 Delete "and" insert "or".

Page 9-line 12 Strike "and social".

Page 9-line 13 Strike "**services**".

Page 13-line 8 Strike ", " insert ".".

Page 13-line 9 Strike entirely.

Page 13-line 10 Strike the line through "detention.".

Page 13-line 13 After "hearing" insert "."; strike ", provided
that a".

Page 13-line 14 Strike entirely.

Page 13-line 15 Strike all existing language and delete all new language.

Page 13-line 16 Strike entirely.

Page 19--line 15 After "(g)" insert "The department, in consultation with"; strike "may" insert "shall". HARVEY, CHAIRMAN

2/29/2016 H COW:Passed

SF0058H2001/ADOPTED**(TO ENGROSSED COPY)**

Page 1-line 4 Delete "treatment" insert "commitment".

Page 3-line 18 After "examiner" insert "in consultation with any gatekeeper designated by the department".

Page 5-line 6 After "attorney" insert "and any gatekeeper designated by the department".

Page 6-lines 17 through 19 Delete entirely and insert "25-10-103, 25-10-104(a)(intro), (i) through (iv) and (vii), 25-10-109(e) through (j), 25-10-110(d)(intro), (v), (vi) and by creating a new paragraph (vii), (f), (h), (j)(intro), (i)(E), by creating a new".

Page 6-line 21 After "25-10-112(c)(intro)," insert "(d),".

Page 8-line 20 Delete "as described by" insert "which may be designated by the department pursuant to".

Page 9-After line 17 Insert:
"(i) Adopt standards for the designation of hospitals or other licensed treatment ~~facilities-providers~~ as qualified to accept patients and provide treatment under this act;".

Page 10-line 3 Strike "persons" insert "patients".

Page 10-lines 10 through 14 Delete entirely and insert:
"(iv) Require ~~reports-information~~ from designated hospitals and other ~~licensed-treatment facilities-providers~~ concerning the services rendered to patients under the provisions of this act;".

Page 10-lines 16 and 17 Delete entirely.

Page 10-line 21 Delete all new language and reinsert all stricken language.

Page 11-lines 1 through 4 Delete entirely.

Page 11-After line 6 Insert:
"(e) The law enforcement officer or examiner who initially detained the person shall make a written statement of the facts of the emergency detention. A copy of the statement shall be given to the detained person, to any gatekeeper designated by the department and to any subsequent examiner.".

Page 11-line 21 After "be" insert "provided to any gatekeeper designated by the department and".

Page 13-line 2 After "hearing." insert "Any gatekeeper designated by the department pursuant to W.S. 25-10-112(g) shall appear at the hearing and provide testimony concerning continued detention and, if applicable, the issues outlined in subsection (m) of this section.".

Page 13-line 4 After "county attorney," insert "any gatekeeper designated by the department,".

Page 14-After line 2 Insert:
"(d) Upon receipt of an application, the court shall issue notice thereof to the proposed patient, the person responsible for the care or custody of the proposed patient, any gatekeeper designated by the department and other persons designated by the court. The notice shall be served as provided by the Wyoming Rules of Civil Procedure. The notice shall apprise the proposed patient:
(v) Of the basis for the proposed hospitalization, including a detailed statement of the facts and supporting testimony;
~~and~~
(vi) That a hearing will be held if warranted by the report of the examination of the proposed patient; ~~and~~ and

(vii) Of the identity of any gatekeeper designated by the department pursuant to W.S. 25-10-112(g).

(f) If the examiner reports the proposed patient is not mentally ill, the court shall terminate the proceedings. If the examiner reports the proposed patient is mentally ill, the court shall fix a date for and give notice of a hearing to be held as soon as possible. The notice shall satisfy the requirements of paragraphs (d) (i) through ~~(vi)~~ (vii) of this section.

(h) The proposed patient, the applicant, and all others to whom notice is required may appear at the hearing to testify and may present witnesses. The court shall consider the testimony of any gatekeeper designated by the department and may receive the testimony of other persons. The proposed patient shall be present at the hearing unless he waives his right to appear. All persons not necessary to protect the rights of the parties shall be excluded from the hearing. The hearing shall be conducted in as informal a manner as is consistent with orderly procedure and in a physical setting which will not have a harmful effect on the mental health of the proposed patient. Any hearing conducted under this subsection shall be recorded by the court reporter or by electronic, mechanical or other appropriate means."

Page 14-After line 9 Insert:

"(i) Order his hospitalization, assign him to a hospital, and:

(E) Make findings as to his competence to make informed choices regarding treatment and his need for prescribed psychotropic medication. If the court finds the person incompetent to make an informed decision, the court may order the administration of prescribed psychotropic medication. The order for medication shall be reviewed by a physician upon commitment and by a psychiatrist upon admission to the hospital. The prescribed medication shall be continued if found medically appropriate by the investigation review committee of the hospital or institution, subject to review by the medical director of the hospital or institution. Any action by the medical director of the hospital or institution shall be reviewable pursuant to the Wyoming Administrative Procedure Act. All orders for prescribed medication or a summary of all orders shall be provided to the gatekeeper designated by the department under W.S. 25-10-112(g).".

Page 14-lines 11 through 23 Delete entirely.

Page 15-lines 1 through 10 Delete entirely.

Page 16-line 18 After "professional" insert ", and in consultation with any gatekeeper designated by the department pursuant to W.S. 25-10-112(g)".

Page 19-After line 13 Insert:

"(d) The hospital or other treatment provider shall attempt to recover all costs of treatment from public and private health insurance, ~~from patients,~~ and from government benefit programs prior to seeking payment from the county or the department. The hospital or other treatment provider shall have discharged its obligation to recover costs under this subsection if it:".

Page 19-lines 15 through 23 Delete entirely including the first standing committee amendment (SF0058HS001/ACE) to these lines and insert:

"(g) The department in consultation with each board of county commissioners may establish a single point of responsibility to ~~to identify, make referrals to, intervene and coordinate with community or regional resources prior to and after an emergency detention. The single point of responsibility may be assigned to a community mental~~

~~health center, designated hospital or other entity that is able to provide treatment as defined under this act or gatekeeper. Gatekeeper duties shall include, but are not limited to, providing guidance on issues of detention and involuntary treatment and monitoring and coordinating timely, efficient and effective patient treatment prior to, during and after any emergency detention or involuntary treatment under this act. No gatekeeper designated under this subsection shall provide inpatient psychiatric treatment to patients under this act."~~

Page 20-lines 1 through 5 Delete entirely.

Page 22-line 4 After "procedures" insert ", any gatekeeper designated by the department".

Page 23-line 14 Delete "and" insert ", to any gatekeeper designated by the department and to the".

Page 24-line 11 Delete "is" insert "and 25-10-110(d) (i) and (j) (ii) are".

Page 24-line 13 After "effective" delete balance of the line and insert "immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.". BARLOW

3/1/2016 H 2nd Reading:Passed

SF0058H3001/ADOPTED (TO ENGROSSED COPY)

Page 19-lines 15 through 23 In subsection (g) as amended by the Barlow second reading amendment (SF0058H2001/AE) to these lines, after "psychiatric treatment to patients under this act" insert ", unless the gatekeeper has been approved by the department of health to provide these services".

Page 20-line 21 After "act" insert ", including expenses for the transportation of patients to appropriate care settings".

Page 24-line 11 Delete the Barlow second reading amendment (SF0058H2001/AE) to this line and further amend as follows: Delete "is" insert ", 25-10-110(j) (ii) and 25-10-112(d) (i) are". BARLOW

SF0058H3002/ADOPTED (TO ENGROSSED COPY)

Page 1-line 5 After "definitions;" insert "providing for access to patient records as specified;".

Page 1-line 15 Delete "is" insert "and 25-10-128 are"

Page 6-After line 12 Insert:

"25-10-128. Access to patient information.

Any disclosure of patient information required by this article shall be subject to limitations imposed by state and federal law. The department shall promulgate rules facilitating the exchange of information required by this article to the maximum extent allowed by state and federal law. At the discretion of the court considering a matter under this article, the court may order the disclosure of information required by this article. The court also may designate and direct the actions of a gatekeeper otherwise designated by the department under W.S. 25-10-112(g) for the purpose of allowing the gatekeeper access to patient information.". BARLOW

3/2/2016 H 3rd Reading:Passed 56-0-4-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baker, Baldwin, Barlow, Berger, Blackburn, Blake, Brown, Burkhart, Byrd, Campbell, Cannady, Clem, Connolly, Dayton, Edmonds, Edwards, Eklund, Esquibel, K., Freeman, Greear, Halverson, Harshman, Harvey, Hunt, Jennings, Kasperik, Kinner, Kirkbride, Kroeker, Krone, Larsen, Laursen, Lindholm, Lockhart, Loucks, Madden, McKim, Miller, Moniz, Nicholas, B., Northrup, Paxton, Pelkey, Petroff, Pownall, Reeder, Schwartz, Sommers, Steinmetz, Stubson, Throne, Walters, Wilson, Winters, Zwonitzer, Dn.

Excused: Representative(s) Gay, Jaggi, Piiparinen, Zwonitzer, Dv.

Ayes 56 **Nays** 0 **Excused** 4 **Absent** 0 **Conflicts** 0

3/3/2016 S Received for Concurrence

3/3/2016 S Concur:Passed 29-1-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Barnard, Bebout, Boner, Burns, Case, Christensen, Coe, Cooper, Craft, Dockstader, Driskill, Emerich, Esquibel, F., Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Nicholas, P., Pappas, Perkins, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator Meier

Ayes 29 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

3/3/2016 Assigned Number SEA No. 0056

3/4/2016 S President Signed SEA No. 0056

3/4/2016 H Speaker Signed SEA No. 0056

3/11/2016 Governor Signed SEA No. 0056

3/16/2016 Assigned Chapter Number

Chapter No. 102 Session Laws of Wyoming 2016