

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Hospitalization of mentally ill persons-amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to the hospitalization of mentally ill
2 persons; amending provisions for the emergency custody of
3 mentally ill persons and hearing requirements; establishing
4 treatment coordinators to assume the functions of
5 gatekeepers; requiring rulemaking; specifying cost sharing
6 between the department of health and counties; granting
7 immunity from liability for the transportation of patients
8 as specified; specifying review and hearing requirements;
9 repealing a definition; and providing for an effective
10 date.

11

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

13

1 **Section 1.** W.S. 25-10-101(a)(xiii), by creating new
2 paragraphs (xvii) and (xviii) and by renumbering paragraph
3 (xvii) as (xix), 25-10-103, 25-10-104(a)(vi) and by
4 creating a new paragraph (viii), 25-10-105(a)(ii) and by
5 creating a new paragraph (iv), 25-10-109(a)(intro),
6 (b)(intro) and (iii), (c) through (j), (k)(intro) and
7 (iii), (m), (n) and by creating a new subsection (o), 25-
8 10-110(a), (d)(intro) and (vii), (h), (j)(intro) and (i)(B)
9 and (E) and (n), 25-10-110.1(a), (c), (d)(i), (f) and by
10 creating a new subsection (k), 25-10-112(a)(i)(A), (b),
11 (c)(intro), (e), (g), (h) and by creating a new subsection
12 (k), 25-10-120(d)(intro), 25-10-125(b), 25-10-127(a)(intro)
13 and (iii) and 25-10-128 are amended to read:

14

15 **25-10-101. Definitions.**

16

17 (a) As used in this act:

18

19 (xiii) "Treatment" means diagnosis, evaluation,
20 intervention, which may include psychiatric medication,
21 individual and group mental health counseling, illness
22 management diversion services such as immediate linkages to
23 mental health services in the community and discharge

1 planning. Treatment shall begin at the time of ~~detention~~
 2 placement in emergency custody, if the person knowingly and
 3 voluntarily consents, and shall continue throughout
 4 involuntary hospitalization or directed outpatient
 5 commitment. Treatment may be given without the consent of
 6 the ~~detained~~ person placed in emergency custody or his
 7 parent or guardian when treatment is limited to diagnosis
 8 or evaluation or when treatment is necessary to prevent
 9 immediate and serious physical harm to the person or
 10 others. "Treatment" does not include observation or
 11 supervision;

12

13 *****
 14 *****
 15 STAFF COMMENT

16
 17 The Committee may wish to compare the statement above
 18 regarding treatment being required to start upon consent
 19 ("Treatment shall begin at the time of ~~detention~~ placement
 20 in emergency custody, if the person knowingly and
 21 voluntarily consents, and shall continue throughout
 22 involuntary hospitalization or directed outpatient
 23 commitment.) with the first sentence of W.S. 25-10-109(f),
 24 below:

25
 26 (f) When a person is ~~detained~~ placed in emergency
 27 custody under emergency circumstances, treatment may be
 28 given during the emergency ~~detention~~ custody period if the
 29 person voluntarily and knowingly consents.

30
 31 *****
 32 *****

33

1 (A) May appear at hearings and provide
2 recommendations to the court regarding the custody and
3 treatment of patients;

4
5 (B) Monitors proceedings under this act;

6
7 (C) Assists to achieve timely, efficient and
8 effective treatment and discharge planning for patients.

9
10 ~~(xvii)~~(xix) "This act" means W.S. 25-10-101
11 through 25-10-305.

12
13 **25-10-103. Admission of persons with mental illness to**
14 **hospital or treatment center; process continuum; court**
15 **hearings; immunity for transportation.**

16
17 (a) Subject to the rules and regulations of the
18 department, a hospital or any other treatment provider
19 providing treatment under this act may admit persons who
20 have symptoms of mental illness for treatment in their
21 hospital or treatment center.

22

1 (b) Emergency custody and treatment under this act
2 shall be implemented to create a continuum of care process.

3
4 (c) At any hearing held by a court pursuant to this
5 act, the court may consider whether the requirements for
6 emergency custody, involuntary hospitalization or
7 outpatient treatment as provided in this act are met before
8 entering an order of emergency custody, involuntary
9 hospitalization or outpatient treatment. A court shall not
10 order a proposed patient to be placed in involuntary
11 hospitalization at an initial hearing under W.S. 25-10-
12 109(h) unless the patient waives the hearing for continued
13 emergency custody and requests admission under W.S. 25-10-
14 106.

15
16 (d) The department or any other entity authorized to
17 transport patients as provided by this act and by rule of
18 the department shall not be liable for any injury or
19 damages to any patient who is transported by reasonable
20 means to or from a treatment center, a mental health center
21 or the state hospital if the injury or damages are incurred
22 during transportation.

23

1 25-10-104. Duties of department of health as to
2 hospitals other than state hospital.

3

4 (a) The department, with respect to hospitals or other
5 treatment providers other than the state hospital, shall:

6

7 (vi) Investigate complaints made by or on behalf
8 of patients with mental illness; ~~and~~

9

10 (viii) Promulgate rules for the transportation of
11 patients under this act. The rules shall include procedures
12 for transportation from:

13

14 (A) Law enforcement custody or a nonmedical
15 facility to a treatment center or the state hospital;

16

17 (B) A treatment center to the state
18 hospital;

19

20 (C) The state hospital or a treatment center
21 to another treatment center;

22

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

3
4 (iv) Promulgate rules for the transportation of
5 patients in accordance with W.S. 25-10-104(a)(viii).

6
7 **25-10-109. Emergency custody.**

8
9 (a) A person may be ~~detained~~ placed in emergency
10 custody when:

11
12 (b) Immediately after ~~detaining~~ placing the person in
13 emergency custody, the officer shall contact an examiner. A
14 preliminary examination of the person shall be conducted by
15 an examiner within twenty-four (24) hours after the
16 ~~detention~~ placement in emergency custody. If a preliminary
17 examination is not conducted within twenty-four (24) hours
18 the ~~detained~~ person shall be released. If the person is
19 ~~detained~~ held in emergency custody following the
20 preliminary examination, an examiner shall reexamine the
21 person not less than every forty-eight (48) hours until the
22 hearing under subsections (h) through (k) of this section.
23 If the examiner giving the preliminary examination, or any

1 reexamination as required by this subsection, finds that
2 the person:

3
4 (iii) Is mentally ill, the person may be ~~detained~~
5 held in emergency custody for seventy-two (72) hours
6 excluding Saturdays, Sundays and legal holidays.

7
8 (c) No person shall be ~~detained~~held in emergency
9 custody for more than seventy-two (72) hours, excluding
10 Saturdays, Sundays and legal holidays, without a hearing
11 under subsections (h) through (k) of this section. For
12 persons placed in emergency custody on a Saturday, Sunday
13 or legal holiday, the court shall conduct the hearing not
14 later than seventy-two (72) hours after 8:00 a.m. on the
15 next business day.

16
17 (d) A person taken into emergency custody under this
18 section may be ~~detained~~placed in a hospital or other care
19 setting which is appropriate under the circumstances and
20 which complies with subsection (n) of this section. The
21 person shall not be ~~detained~~placed in a nonmedical
22 facility used for detention of persons charged with or
23 convicted of penal offenses except in extreme emergency or

1 if there are no other reasonable alternatives. The law
2 enforcement officer or examiner who ~~detained~~placed the
3 person in emergency custody shall immediately notify the
4 person responsible for the care and custody of the ~~detained~~
5 placed person, if known, of the time and place of ~~detention~~
6 emergency custody.

7
8 (e) The law enforcement officer or examiner who
9 initially ~~detained~~placed the person in emergency custody
10 shall make a written statement of the facts of the
11 emergency ~~detention~~custody. A copy of the statement shall
12 be given by the law enforcement officer or examiner who
13 prepared the statement to the ~~detained~~placed person, his
14 parent or guardian, to any attorney representing the
15 person, to the county attorney in the county where the
16 person is ~~detained~~held in emergency custody, to any
17 ~~gatekeeper~~treatment coordinator designated by the
18 department and to any subsequent examiner.

19
20 (f) When a person is ~~detained~~under emergency
21 circumstances placed in emergency custody, treatment may be
22 given during the emergency ~~detention~~custody period if the
23 person voluntarily and knowingly consents. The parent or

1 guardian of a minor or incompetent person may consent to
2 treatment. If the parent or guardian of a minor patient
3 does not consent to treatment, a petition may be filed
4 under the Child Protection Act. Treatment may be given
5 without the consent of the detained person or his parent or
6 guardian when treatment is limited to diagnosis or
7 evaluation or when treatment is necessary to prevent
8 immediate and serious physical harm to the person or
9 others. Prior to treatment, the person shall be fully
10 advised of the scope of treatment, and a report of the
11 treatment shall be provided to the county attorney, to any
12 ~~gatekeeper~~treatment coordinator designated by the
13 department and shall be filed with the court if continued
14 ~~detention~~emergency custody is sought, or if directed
15 outpatient commitment or involuntary hospitalization
16 proceedings are commenced. An examiner or a physician who
17 provides treatment in good faith pursuant to this
18 subsection shall be immune from civil liability for the
19 treatment except there shall be no immunity from liability
20 for negligent acts or deliberate misconduct.

21

22 (g) At the time of emergency ~~detention~~custody the
23 person shall be informed orally and in writing of his right

1 to contact his family and an attorney, of his right to
2 appointed counsel if he is indigent, of his right to remain
3 silent and that his statements may be used as a basis for
4 continued ~~detention~~emergency custody, directed outpatient
5 commitment or involuntary hospitalization.

6
7 (h) When a person is ~~detained~~placed in emergency
8 ~~detention~~custody and continued ~~detention~~emergency custody
9 is sought, or an application for directed outpatient
10 commitment or involuntary hospitalization is filed by the
11 county attorney, the court shall appoint an attorney to
12 represent the ~~detained~~placed person unless he has his own
13 attorney. The court shall conduct a hearing within seventy-
14 two (72) hours, excluding Saturdays, Sundays and legal
15 holidays, of the initial ~~detention~~placement in emergency
16 custody to determine whether continued ~~detention~~emergency
17 custody is required pending directed outpatient commitment
18 or involuntary hospitalization proceedings. For persons
19 placed in emergency custody on a Saturday, Sunday or legal
20 holiday, the court shall conduct the hearing not later than
21 seventy-two (72) hours after 8:00 a.m. on the next business
22 day. The county attorney of the county where the
23 application is filed shall appear on behalf of the state at

1 the hearing. Any ~~gatekeeper~~treatment coordinator
2 designated by the department pursuant to W.S. 25-10-112(g)
3 shall appear at the hearing and provide testimony
4 concerning continued ~~detention~~emergency custody and, if
5 applicable, the issues outlined in subsection (m) of this
6 section. Notice of the preliminary hearing shall be given
7 to the county attorney, any ~~gatekeeper~~treatment
8 coordinator designated by the department, the ~~detained~~
9 placed person and his parent, guardian and attorney. The
10 court may delay the hearing only at the request of the
11 ~~detained~~placed person or his parent, guardian or his
12 attorney. The hearing for continued ~~detention~~emergency
13 custody may be waived at the request of the ~~detained~~placed
14 person or the ~~detained~~placed person's parent, guardian or
15 attorney. If a hearing for continued ~~detention~~emergency
16 custody has been waived, the court may immediately conduct
17 the directed outpatient commitment or involuntary
18 hospitalization hearing.

19

20 (j) At the hearing the court shall advise the ~~detained~~
21 placed person and his parent, guardian or attorney of the
22 contents of the written statement of emergency ~~detention~~
23 custody required in subsection (e) of this section and the

1 application for directed outpatient commitment or
2 involuntary hospitalization.

3

4 (k) The standard of proof in an emergency ~~detention~~
5 custody hearing shall be by a preponderance of the
6 evidence. If the court finds at an emergency ~~detention~~
7 custody hearing that:

8

9 (iii) The person is mentally ill, it shall order
10 continued ~~detention~~emergency custody of the person for not
11 more than ten (10) days. The court may extend the ~~detention~~
12 emergency custody period at the request of the proposed
13 patient or his attorney.

14

15 (m) If the court finds the person is mentally ill
16 pursuant to paragraph (k)(iii) of this section, the court
17 shall make findings as to the person's competence to make
18 informed choices regarding treatment and the person's need
19 for prescribed psychotropic medication. If the court finds
20 the person incompetent to make an informed decision, the
21 court may order the administration of prescribed
22 psychotropic medication for the period of the emergency

1 ~~detention~~custody for restabilization of the person's
2 mental health.

3

4 (n) Treatment provided as a result of an emergency or
5 continued ~~detention~~custody pursuant to this section shall
6 be provided in the least restrictive and most therapeutic
7 setting available with consideration given to requests of
8 the ~~detained~~—person placed in emergency custody, his
9 parent, guardian or attorney, and recommendations of any
10 ~~gatekeeper~~treatment coordinator. Treatment may include the
11 treatment options outlined in W.S. 25-10-110.1(d).

12

13 (o) When placing a minor in emergency custody in
14 accordance with this section, the treatment center where
15 the minor is placed shall attempt to notify the minor's
16 parent or guardian that the minor is in emergency custody
17 and the location of where the minor has been placed in
18 emergency custody. If the treatment center is unable to
19 successfully contact the minor's parent or guardian or if
20 the parent or guardian does not contact the treatment
21 center where the minor is located within twenty-four (24)
22 hours of the minor being placed in emergency custody, the

1 treatment center shall report the emergency custody
2 placement to the department of family services.

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5 *****

6 STAFF COMMENT

7

8 The Committee may wish to consider the interplay between
9 the language inserted in the new subsection (o) above and
10 W.S. 25-10-109(f) (emphasis added):

11

12 (f) When a person is detained under emergency
13 circumstances, treatment may be given during the emergency
14 detention period if the person voluntarily and knowingly
15 consents. The parent or guardian of a minor or incompetent
16 person may consent to treatment. If the parent or guardian
17 of a minor patient does not consent to treatment, a
18 petition may be filed under the Child Protection Act.
19 Treatment may be given without the consent of the detained
20 person or his parent or guardian when treatment is limited
21 to diagnosis or evaluation or when treatment is necessary
22 to prevent immediate and serious physical harm to the
23 person or others. Prior to treatment, the person shall be
24 fully advised of the scope of treatment, and a report of
25 the treatment shall be provided to the county attorney, to
26 any gatekeeper designated by the department and shall be
27 filed with the court if continued detention is sought, or
28 if directed outpatient commitment or involuntary
29 hospitalization proceedings are commenced. An examiner or a
30 physician who provides treatment in good faith pursuant to
31 this subsection shall be immune from civil liability for
32 the treatment except there shall be no immunity from
33 liability for negligent acts or deliberate misconduct.

34

35

36 The Committee may also wish to consider whether mental
37 health centers (as defined by W.S. 25-10-101(a)(vii))
38 should be included in the new subsection (o) above.

39

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41 *****

42

1 **25-10-110. Involuntary hospitalization proceedings.**

2

3 (a) Proceedings for the involuntary hospitalization of
4 a person may be commenced by the filing of a written
5 application with the court in the county in which the
6 person is initially ~~detained~~placed in emergency custody.
7 Proceedings may also be initiated in the county in which
8 there is a designated hospital if there is a written
9 agreement executed by the county in which the person
10 resides and the designated hospital stating that the county
11 in which the person resides will be responsible for costs
12 of treatment under W.S. 25-10-112(e) that are not covered
13 by the state. The application shall be accompanied by
14 either:

15

16 (d) Upon receipt of an application, the court shall
17 issue notice thereof to the proposed patient, the person
18 responsible for the care or custody of the proposed
19 patient, any ~~gatekeeper~~treatment coordinator designated by
20 the department and other persons designated by the court.
21 The notice shall be served as provided by the Wyoming Rules
22 of Civil Procedure. The notice shall apprise the proposed
23 patient:

1

2 (vii) Of the identity of any ~~gatekeeper~~treatment
3 coordinator designated by the department pursuant to W.S.
4 25-10-112(g).

5

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

21

22 (j) If, upon completion of the hearing and
23 consideration of the record, the court or the jury finds by

1 clear and convincing evidence that the proposed patient is
2 mentally ill the court shall consider the least restrictive
3 and most therapeutic alternatives, give consideration to
4 any recommendations by the ~~gatekeeper~~treatment coordinator
5 and shall:

6

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

9

10 (B) Specify where he will be ~~detained~~placed
11 pending transportation to the hospital. No person shall be
12 ~~detained~~placed in a nonmedical facility used for detention
13 of persons charged with or convicted of penal offenses
14 except during an extreme emergency;

15

16 (E) Make findings as to his competence to
17 make informed choices regarding treatment and his need for
18 prescribed psychotropic medication. If the court finds the
19 person incompetent to make an informed decision, the court
20 may order the administration of prescribed psychotropic
21 medication. The order for medication shall be reviewed by a
22 physician upon commitment and by a psychiatrist upon
23 admission to the hospital. The prescribed medication ~~shall~~

1 may be continued if found medically appropriate by the
2 investigation review committee of the hospital or
3 institution, subject to review by the medical director of
4 the hospital or institution. Any action by the medical
5 director of the hospital or institution shall be reviewable
6 pursuant to the Wyoming Administrative Procedure Act. All
7 orders for prescribed medication or a summary of all orders
8 shall be provided to the ~~gatekeeper~~treatment coordinator
9 designated by the department under W.S. 25-10-112(g).

10

11 (n) The court shall inquire into the medical condition
12 of every patient found to be mentally ill. If the court
13 determines based upon the advice of a physician or other
14 qualified professional, and in consultation with any
15 ~~gatekeeper~~treatment coordinator designated by the
16 department pursuant to W.S. 25-10-112(g), that the
17 patient's present primary need is for medical treatment or
18 care and whose need for psychiatric care is secondary, the
19 court may delay ordering directed outpatient commitment or
20 involuntary hospitalization of the patient until such time
21 as the patient receives medical care and the patient's need
22 for psychiatric care is primary.

23

1 *****
 2 *****
 3

4 (c) The terms and conditions of the treatment plan
 5 shall be established by an examiner in consultation with
 6 any ~~gatekeeper~~treatment coordinator designated by the
 7 department and approved by the court. In preparing the
 8 plan, the examiner shall consult with the county attorney,
 9 treating health care providers and the patient or the
 10 person responsible for the care and custody of the patient,
 11 if known.

12
 13 (d) The treatment plan may require:

14
 15 (i) Periodic reporting, including reporting
 16 required under subsection (k) of this section;

17
 18 (f) The treatment center or treatment provider or any
 19 other person identified in the treatment plan shall report
 20 to the county attorney and any ~~gatekeeper~~treatment
 21 coordinator designated by the department any material
 22 noncompliance by the patient with the treatment plan.

23

1 (k) Not less than once every six (6) months, the
2 treatment coordinator shall provide a written report to the
3 county attorney for any patient committed to directed
4 outpatient treatment under this section, including any
5 revisions to the patient's treatment plan.

6
7 **25-10-112. Liability for costs of emergency custody,**
8 **involuntary hospitalization and proceedings therefor; cost**
9 **sharing.**

10
11 (a) Subject to the provisions of subsections (d), ~~and~~
12 (e) ~~and (k)~~ of this section, the county in which a person
13 is ~~detained~~placed in emergency custody or in which
14 involuntary hospitalization proceedings are brought shall
15 pay the costs of:

16
17 (i) The first seventy-two (72) hours of
18 detention, in addition to any Saturday, Sunday or legal
19 holiday that falls within the seventy-two (72) hours,
20 pursuant to W.S. 25-10-109, including costs of medical
21 treatment for those conditions:

22

1 (A) That resulted in the emergency ~~detention~~
2 custody of the person; or

3

4 (b) Subject to the provisions of subsection (d) of
5 this section, when a ~~detained~~ person placed in emergency
6 custody or proposed patient is not a resident of Wyoming,
7 the department shall pay the costs listed in paragraphs
8 (a)(i) through (iii) of this section.

9

10 (c) The county shall pay for the first seventy-two
11 (72) hours as provided in subsection (a) of this section
12 even if the patient waives the hearing required under W.S.
13 25-10-109 and proceeds to voluntary outpatient treatment,
14 directed outpatient commitment or involuntary
15 hospitalization proceedings. Subject to the provisions of
16 subsections (d) and (e) of this section, if continued
17 emergency ~~detention~~custody is ordered pursuant to W.S. 25-
18 10-109(k)(iii), the county's liability for any costs of
19 ~~detention~~emergency custody, treatment or transportation
20 shall terminate after the first seventy-two (72) hours of
21 ~~detention~~emergency custody, in addition to any Saturday,
22 Sunday or legal holiday. The department shall be
23 responsible for those costs after the expiration of the

1 county's responsibility for payments of the costs. All
2 costs of treatment, transportation and continued emergency
3 ~~detention~~custody incurred after the first seventy-two (72)
4 hours of ~~detention~~emergency custody, in addition to any
5 Saturday, Sunday or legal holiday, shall be paid by:

6

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

22

1 (g) The department in consultation with each board of
2 county commissioners may establish a single point of
3 responsibility or ~~gatekeeper~~ treatment coordinator.
4 ~~Gatekeeper~~ Treatment coordinator duties shall include, but
5 are not limited to, providing guidance on issues of
6 ~~detention~~ emergency custody and involuntary treatment,
7 appearing at hearings and providing recommendations to the
8 court regarding the custody and treatment of patients and
9 monitoring and coordinating timely, efficient and effective
10 patient treatment prior to, during and after any emergency
11 ~~detention~~ custody or involuntary treatment under this act.
12 No ~~gatekeeper~~ treatment coordinator designated under this
13 subsection shall provide inpatient psychiatric treatment to
14 patients under this act, unless the ~~gatekeeper~~ treatment
15 coordinator has been approved by the department of health
16 to provide these services.

17

18 (h) The county attorney shall notify the department
19 and any ~~gatekeeper~~ treatment coordinator of any ~~detention~~
20 emergency custody placement, continued emergency ~~detention~~
21 custody order, directed outpatient commitment or
22 involuntary hospitalization order within twenty-four (24)
23 hours.

1

2 (j) The department, boards of county commissioners,
3 designated hospitals, ~~gatekeepers~~treatment coordinators
4 and other treatment providers may, upon contract or
5 agreement, coordinate and monitor the services and payments
6 required for the treatment of persons with mental illness
7 as provided under this ~~section~~act. Pursuant to contract or
8 agreement, the department may assume any part of the
9 expenses associated with a ~~gatekeeper~~treatment coordinator
10 which expenses would otherwise be the responsibility of a
11 county under this act, including expenses for the
12 transportation of patients to appropriate care settings.

13

14 (k) Notwithstanding any other provision of this
15 section, the department shall reimburse a county for all
16 costs incurred by the county under this act in any fiscal
17 year that exceed twenty-five percent (25%) of all costs
18 incurred by all counties under this act in the fiscal year.
19 The department shall promulgate rules to provide for the
20 calculation and reimbursement of costs specified in this
21 subsection, including rules for counties to report annually
22 the costs paid for services provided under this act.

23

1 **25-10-120. Rights of patients; commitment and**
2 **treatment of persons being treated by prayer.**

3
4 (d) No person who is being treated in good faith by
5 spiritual means alone, through prayer, by a duly accredited
6 practitioner in accordance with the tenets and practices of
7 a recognized church or religious denomination may be
8 ~~detained~~placed in emergency custody, hospitalized or
9 ordered to receive treatment under this act unless:

10
11 **25-10-125. Clothing and transportation upon discharge.**

12
13 (b) The county responsible for payment of costs
14 pursuant to W.S. 25-10-112(a) shall ensure that a patient
15 discharged from emergency ~~detention~~custody within seventy-
16 two (72) hours, or upon expiration of emergency ~~detention~~
17 custody after seventy-two (72) hours without a court order
18 for hospitalization under W.S. 25-10-110, possesses
19 suitable clothing and adequate means to ensure his arrival
20 at the home from which he was admitted or another place,
21 which is in the best interests of the county and of the
22 patient.

23

1 **25-10-127. Convalescent status; discharge;**
2 **readmittance.**

3

4 (a) After providing notice to the court, the county
5 attorney who initiated involuntary hospitalization
6 procedures, any ~~gatekeeper~~treatment coordinator designated
7 by the department and all interested parties, the hospital
8 may release an improved patient on convalescent leave
9 subject to the following:

10

11 (iii) Release on convalescent leave shall include
12 a plan of treatment on an outpatient or nonhospital basis
13 and other provisions for continuing responsibility of the
14 patient by the hospital. Prior to the end of one (1) year
15 on convalescent leave, and not less than annually
16 thereafter, the hospital shall reexamine the facts relating
17 to the hospitalization of the patient on convalescent leave
18 and if the hospital determines hospitalization is no longer
19 anticipated, the hospital shall discharge the patient and
20 make a report of discharge to the court, to any ~~gatekeeper~~
21 treatment coordinator designated by the department and to
22 the county attorney who initiated procedures for the
23 involuntary hospitalization.

1

2 **25-10-128. Access to patient information.**

3

4 Any disclosure of patient information required by this
5 article shall be subject to limitations imposed by state
6 and federal law. The department shall promulgate rules
7 facilitating the exchange of information required by this
8 article to the maximum extent allowed by state and federal
9 law. At the discretion of the court considering a matter
10 under this article, the court may order the disclosure of
11 information required by this article. The court also may
12 designate and direct the actions of a ~~gatekeeper~~treatment
13 coordinator otherwise designated by the department under
14 W.S. 25-10-112(g) for the purpose of allowing the
15 gatekeeper access to patient information.

16

17 **Section 2.** W.S. 25-10-101(a)(xvi) is repealed.

18

19 *****
20 *****

21 **STAFF COMMENT**

22

23 This bill draft repeals W.S. 25-10-101(a)(xvi), which is
24 the definition of "gatekeeper." The term "treatment
25 coordinator" replaces "gatekeeper" throughout this act.

26

27 **25-10-101. Definitions.**

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(a) As used in this act:

~~(xvi) "Gatekeeper" means the single point of responsibility which may be designated by the department pursuant to W.S. 25-10-112(g);~~

Section 3. The department of health shall promulgate all rules necessary to implement the provisions of this act.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2021.

(b) Sections 3 and 4 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)