

HB 1148 -- TREATMENT OF AT-RISK BEHAVIORAL HEALTH PATIENTS

SPONSOR: Lauer

This bill specifies that a licensed emergency medical technician, if acting in good faith and without gross negligence, must not be liable for transporting a person for whom an application for detention for evaluation and treatment has been filed or for physically or chemically restraining an at-risk behavioral health patient if the restraint is to ensure the safety of the patient or technician.

Each hospital and nursing home must establish policies and procedures that require the hospital or facility to give advance notification to emergency medical services personnel prior to the transportation of any at-risk behavioral health patient. The hospital or facility must take appropriate measures to ensure the safe and effective transport of the patient.

The ambulance services and emergency medical response agency medical director may provide training on proper restraint procedures and nonmedical management techniques to any licensed emergency medical services personnel who conducts interfacility transfers of at-risk behavioral health patients.

If a physician treating an at-risk behavioral patient reasonably believes the patient may cause imminent serious harm to himself, herself, or others unless the patient is immediately transported to another appropriate facility, the physician may place the patient on a temporary involuntary hold for a period of time necessary to effectuate the patient's transport. During the transport, the emergency medical services personnel may rely on the physician's hold order as a basis for implied consent to treat and transport the patient and the personnel must not be liable for any claims of negligence, false imprisonment, or invasion of privacy based on the temporary hold, treatment, or transport of the patient.

These provisions must not be construed to limit the patient's rights under the federal Mental Health Patient's Bill of Rights.