

HB 2512 -- HUMANE ACCESS TO EMERGENCY PSYCHIATRIC TREATMENT

SPONSOR: Byrnes

This bill establishes the "Care Before Predictable Harm Act".

The Act provides that a "qualified petitioner" or "qualified community petitioner", as such terms are defined in the bill, can file a verified petition for emergency psychiatric evaluation with the circuit court in the county wherein the individual resides. The bill specifies what must be included in the verified petition, and requires the circuit court to review the petition within 24 hours of its filing. False material statements in a petition will be punishable as perjury.

The emergency psychiatric evaluation must be conducted by a licensed psychiatrist and include appropriate medical testing; during this period of emergency detention and evaluation, the psychiatrist can administer appropriate antipsychotic medication, including long-acting injectable antipsychotic medication, if certain determinations have been made and documented by the psychiatrist. Additionally, medication administered under these provisions must be recorded in the individual's medical record.

The bill requires a written report to be submitted to the court by the evaluating psychiatrist stating whether the individual has a severe mental illness, presents a danger to self or others or a predictable harm pattern, requires further treatment, and cannot be treated safely through less restrictive means. The court must hold a hearing within seven days of receiving this evaluation, and can order assisted outpatient treatment for up to 180 days upon clear and convincing evidence the individual meets the described criteria. The order for assisted outpatient treatment may be renewed only upon a new hearing and findings, and any person who knowingly interferes with the execution of a valid court order is guilty of a class B misdemeanor.

A treatment order made under the provisions of this bill can include community mental health services, therapy and case management, substance use disorder treatment, supportive housing placement, and the administration of long-acting injectable antipsychotic medication, when medically justified and documented in the clinical record.

The bill requires the Department of Mental Health to establish a statewide network of community mental health clinics authorized to administer court-ordered psychiatric treatment. A

participating clinic is prohibited from refusing to administer court-ordered long-acting injectable antipsychotic medication if the individual lacks capacity to consent at the time of administration, the medication is medically justified, and the medication represents the least restrictive means available to prevent predictable serious harm. Refusal of a clinic to comply with court-ordered treatment under the provisions of this bill is grounds for removal from the statewide network and can result in the suspension or withholding of state funds.

The bill requires the Department of Mental Health to submit an annual report to the General Assembly summarizing the implementation of this bill's provisions, including the number of petitions filed, the number of emergency evaluations ordered, the number of court-ordered assisted outpatient treatment plans issued and renewed, the number of long-acting injectable administrations performed under court order, outcomes demonstrating reductions in repeated emergency interventions, and data demonstrating the number of cases in which intervention prevented predictable serious harm.