

HB 2516 -- MENTAL HEALTH PATIENTS

SPONSOR: Byrnes

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Legislative Review by a vote of 6 to 0 with 1 member voting present.

This bill establishes the "Family Mental Health Advocacy and Patient Rights Act".

The bill enumerates certain rights afforded to persons admitted, detained, or evaluated for mental health treatment, including but not limited to dignity and humane treatment, participation in care decisions to the fullest extent possible, and safe and coordinated discharge planning. Mental health facilities are required to post these rights in a conspicuous location and provide the rights in writing at the time of admission or evaluation.

Compliance with this provision is required under the licensing regulations applicable to mental health facilities, and a violation of this section will be grounds for any administrative action authorized for violations of such regulations.

The bill provides that any detention of a person for evaluation and treatment as provided by current law automatically entitles a qualified family advocate, as that term is defined in the bill, to:

- (1) Access to treatment information necessary for safety, medication decisions, discharge planning, and continuity of care; and
- (2) Participation in treatment team meetings, including care plans, medication changes, risk assessments, and discharge or transfer decisions.

Upon documented restoration of capacity of the respondent, the qualified family advocate's access and participation under this bill's provisions will end, provided that the qualified family advocate must receive notification before the respondent's release from detention.

The bill prohibits a mental health facility from implementing a blanket policy prohibiting family participation or citing confidentiality laws as the basis for denying the qualified

family advocate access and participation under the provisions of this bill.

Compliance with this provision is required under the licensing regulations applicable to mental health facilities, and a violation of this section will be grounds for any administrative action authorized for violations of such regulations.

PROPOSERS: Supporters say that this bill is about helping patients have an advocate when brought to a facility for a 96-hour hold. The goal is to allow a qualified family advocate to participate, help with medication and feedback, and be included in the discharge plan.

Testifying in person for the bill was Representative Byrnes.

OPPOSERS: There was no opposition voiced to the committee.