

By: Representative Moody

To: Public Health and  
Welfare;  
Appropriations

## HOUSE BILL NO. 869

1 AN ACT TO AMEND SECTION 41-21-77, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE A PROCEDURE FOR THE TREATMENT OF MENTALLY ILL PATIENTS  
3 IN A FACILITY OTHER THAN THE ADMITTING INSTITUTION; TO AMEND  
4 SECTION 41-21-79, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A  
5 MENTALLY ILL PATIENT IS INDIGENT, THE COSTS INCURRED BY THE  
6 INTERIM FACILITY, THE ATTENDING PHYSICIAN AT THE INTERIM FACILITY  
7 AND THE COSTS OF COMMITMENT SHALL BE PAID FROM FUNDS OF THE  
8 MISSISSIPPI DEPARTMENT OF MENTAL HEALTH; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10  
11 SECTION 1. Section 41-21-77, Mississippi Code of 1972, is  
12 amended as follows:

13 41-21-77. If admission is ordered at a treatment facility,  
14 pursuant to Sections 41-21-61 through 41-21-107, Section 35-5-31,  
15 Section 43-21-315, Section 43-21-611, Section 99-13-7 or Section  
16 99-13-9, the sheriff, his deputy or any other person appointed or  
17 authorized by the court shall immediately deliver the respondent  
18 to the director of the appropriate institution; \* \* \*

19 However, \* \* \* no person shall be so delivered or admitted until  
20 the director of the admitting institution determines that  
21 facilities and services are available. If the director of the  
22 admitting institution determines that facilities and services are  
23 not available, persons who have been ordered committed and are  
24 awaiting admission may be given any such treatment in a facility  
25 other than the admitting institution by a licensed physician as is  
26 indicated by standard medical practice. The clerk shall provide  
27 the director of the facility admitting a person who has been  
28 ordered committed and is awaiting admission by the admitting  
29 institution with a certified copy of the court order, a certified  
30 copy of the physicians' and any psychologist's certificate, a

31 certified copy of the affidavit, and any other information  
32 available concerning the physical and mental condition of the  
33 respondent. Upon notification from the admitting institution that  
34 facilities and services are available, the sheriff, his deputy or  
35 any other person appointed or authorized by the court shall  
36 immediately deliver the respondent to the director of such  
37 admitting institution. The clerk shall provide the director of  
38 the admitting institution with a certified copy of the court  
39 order, a certified copy of the physicians' and any psychologist's  
40 certificate, a certified copy of the affidavit, and any other  
41 information available concerning the physical and mental condition  
42 of the respondent; provided, upon notification from the United  
43 States Veterans Administration or other agency of the United  
44 States Government, that facilities are available and the  
45 respondent is eligible for care and treatment therein, the court  
46 may enter an order for delivery of the respondent to or retention  
47 by the Veterans Administration or other agency of the United  
48 States Government, and, in such cases such chief officer to whom  
49 the respondent is so delivered or by whom he is retained shall,  
50 with respect to the respondent, be vested with the same powers as  
51 the Director of the Mississippi State Hospital at Whitfield, or  
52 the East Mississippi State Hospital at Meridian, with respect to  
53 retention and discharge of the respondent.

54 SECTION 2. Section 41-21-79, Mississippi Code of 1972, is  
55 amended as follows:

56 41-21-79. The costs incidental to the court proceedings,  
57 including, but not limited to, court costs, prehearing  
58 hospitalization costs, cost of transportation, reasonable  
59 physician's and psychologist's fees set by the court, and  
60 reasonable attorney's fees set by the court, shall be paid out of  
61 the funds of the county of residence of the respondent in those  
62 instances where the patient is indigent unless funds for such  
63 purposes are made available by the state. All costs and expenses  
64 incurred by the facility admitting the respondent while awaiting  
65 admission to the admitting institution and the attending physician  
66 at such interim facility shall be paid out of the funds of the  
67 Mississippi Department of Mental Health in those instances where

68 the patient is indigent. \* \* \* However, if the respondent is not  
69 indigent, those costs shall be taxed against the respondent or his  
70 estate. \* \* \* If the respondent is found by the court to not be  
71 in need of mental treatment then all such costs shall be taxed to  
72 the affiant initiating the hearing.

73 SECTION 3. This act shall take effect and be in force from  
74 and after July 1, 1999.