

By: Senator(s) Bean

To: Public Health and
Welfare;
Appropriations

SENATE BILL NO. 2550

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:

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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; provided, however,
19 that no person shall be so delivered or admitted until the
20 director of the admitting institution determines that facilities
21 and services are available. In the event 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. All new programs authorized under this Senate
74 Bill No. ____ shall be subject to the availability of funds
75 specifically appropriated therefor by the Legislature during the
76 1999 Regular Session or any subsequent session. It is the intent
77 of the Legislature that this act shall be codified but that no
78 amendment to a code section enacted by this Senate Bill No. ____
79 shall take effect until the Legislature has funded any new
80 programs authorized hereunder by line item appropriation, said
81 line item appropriation to be certified by the Legislative Budget
82 Office to the Secretary of State.

83 SECTION 4. This act shall take effect and be in force from
84 and after July 1, 1999.