

By: Senator(s) Nunnelee

To: Public Health and Welfare

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2521

1 AN ACT TO AMEND SECTIONS 41-21-77 AND 41-21-87, MISSISSIPPI  
2 CODE OF 1972, TO CLARIFY ADMISSION AND DISCHARGE PROCEDURES FOR  
3 MENTALLY ILL PATIENTS COMMITTED TO TREATMENT FACILITIES; AND FOR  
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-21-77, Mississippi Code of 1972, is  
7 amended as follows:

8 41-21-77. If admission is ordered at a treatment facility,  
9 the sheriff, his deputy or any other person appointed or  
10 authorized by the court shall immediately deliver the respondent  
11 to the director of the appropriate facility. Neither the Board of  
12 Mental Health or its members, nor the Department of Mental Health  
13 or its related facilities, nor any employee of the Department of  
14 Mental Health or its related facilities, shall be appointed,  
15 authorized or ordered to deliver the respondent for treatment, and  
16 no person shall be so delivered or admitted until the director of  
17 the admitting institution determines that facilities and services  
18 are available. Persons who have been ordered committed and are  
19 awaiting admission may be given any such treatment in the facility  
20 by a licensed physician as is indicated by standard medical  
21 practice. No person shall be delivered or admitted to any  
22 non-Department of Mental Health treatment facility unless such  
23 treatment facility is licensed and/or certified to provide the  
24 appropriate level of psychiatric care for the mentally ill. The  
25 clerk shall provide the director of the admitting institution with  
26 a certified copy of the court order, a certified copy of the  
27 physicians' and any psychologist's certificate, a certified copy  
28 of the affidavit, and any other information available concerning

29 the physical and mental condition of the respondent; provided,  
30 upon notification from the United States Veterans Administration  
31 or other agency of the United States government, that facilities  
32 are available and the respondent is eligible for care and  
33 treatment therein, the court may enter an order for delivery of  
34 the respondent to or retention by the Veterans Administration or  
35 other agency of the United States government, and, in such cases  
36 such chief officer to whom the respondent is so delivered or by  
37 whom he is retained shall, with respect to the respondent, be  
38 vested with the same powers as the director of the Mississippi  
39 State Hospital at Whitfield, or the East Mississippi State  
40 Hospital at Meridian, with respect to retention and discharge of  
41 the respondent.

42 **SECTION 2.** Section 41-21-87, Mississippi Code of 1972, is  
43 amended as follows:

44 41-21-87. (1) The director of either the treatment facility  
45 where the patient is committed or the treatment facility where the  
46 patient resides while awaiting admission to any other treatment  
47 facility may discharge any civilly committed patient upon filing  
48 his certificate of discharge with the clerk of the committing  
49 court, certifying that the patient, in his judgment, no longer  
50 poses a substantial threat of physical harm to himself or others.

51 (2) A director of a treatment facility specified in  
52 subsection (1) above may return any patient to the custody of the  
53 committing court upon providing seven (7) days' notice and upon  
54 filing his certificate of same as follows:

55 (a) When, in the judgment of the director, the patient  
56 may be treated in a less restrictive environment; provided,  
57 however, that treatment in such less restrictive environment shall  
58 be implemented within seven (7) days after notification of the  
59 court; or

60 (b) When, in the judgment of the director, adequate  
61 facilities or treatment are not available at the treatment  
62 facility.

63 (3) No committing court shall enjoin or restrain any  
64 director of a treatment facility specified in subsection (1) above  
65 from discharging a patient pursuant to this section whose treating  
66 professionals have determined that the patient meets one of the  
67 criteria for discharge as outlined in subsection (1) or (2) of  
68 this section. The director of the treatment facility where the  
69 patient is committed may transfer any civilly committed patient  
70 from one facility operated directly by the Department of Mental  
71 Health to another as necessary for the welfare of that or other  
72 patients. Upon receiving the director's certificate of transfer,  
73 the court shall enter an order accordingly.

74 (4) Within twenty-four (24) hours prior to the release or  
75 discharge of any civilly committed patient, other than a temporary  
76 pass due to sickness or death in the patient's family, the  
77 director shall give or cause to be given notice of such release or  
78 discharge to one (1) member of the patient's immediate family,  
79 provided the member of the patient's immediate family has signed  
80 the consent to release form provided under subsection (5) and has  
81 furnished in writing a current address and telephone number, if  
82 applicable, to the director for such purpose. The notice to the  
83 family member shall include the psychiatric diagnosis of any  
84 chronic mental disorder incurred by the civilly committed patient  
85 and any medications provided or prescribed to the patient for such  
86 conditions.

87 (5) All providers of service in a treatment facility,  
88 whether in a community mental health/retardation center, region or  
89 state psychiatric hospital, are authorized and directed to request  
90 a consent to release information from all patients which will  
91 allow that entity to involve the family in the patient's  
92 treatment. Such release form shall be developed by the Department

93 of Mental Health and provided to all treatment facilities,  
94 community mental health/retardation centers and state facilities.  
95 All such facilities shall request such a release of information  
96 upon the date of admission of the patient to the facility or at  
97 least by the time the patient is discharged.

98         **SECTION 3.** This act shall take effect and be in force from  
99 and after July 1, 2004.