

By: Senator(s) Nunnelee

To: Public Health and Welfare

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 commitment 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 treatment facility. Neither
12 the Board of Mental Health or its members, nor the Department of
13 Mental Health or its related facilities, nor any employee of the
14 Department of Mental Health or its related facilities, shall be
15 appointed, authorized or ordered to deliver the respondent for
16 treatment, and no person shall be so delivered or admitted until
17 the director of the treatment facility to which such person is
18 committed determines that facilities and services are available.
19 Persons who have been ordered committed and for whom there is no
20 space in the treatment facility to which such person is committed
21 may be delivered and admitted as a patient to any other treatment
22 facility and given any such treatment in any such other treatment
23 facility by a licensed physician as is indicated by standard
24 medical practice. No person shall be admitted to any treatment
25 facility unless the treatment facility is licensed and/or
26 certified to provide the appropriate level of psychiatric care for
27 the mentally ill. The clerk shall provide the director of each
28 treatment facility with a certified copy of the court order, a

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

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

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

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

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

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

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

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

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

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

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