

## House Amendments to Senate Bill No. 2521

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

8           **SECTION 1.** Section 41-21-77, Mississippi Code of 1972, is  
9 amended as follows:  
10           41-21-77. If admission is ordered at a treatment facility,  
11 the sheriff, his deputy or any other person appointed or  
12 authorized by the court shall immediately deliver the respondent  
13 to the director of the appropriate facility. Neither the Board of  
14 Mental Health or its members, nor the Department of Mental Health  
15 or its related facilities, nor any employee of the Department of  
16 Mental Health or its related facilities, shall be appointed,  
17 authorized or ordered to deliver the respondent for treatment, and  
18 no person shall be so delivered or admitted until the director of  
19 the admitting institution determines that facilities and services  
20 are available. Persons who have been ordered committed and are  
21 awaiting admission may be given any such treatment \* \* \* by a  
22 licensed physician as is indicated by standard medical practice in  
23 any facility deemed appropriate by the court. Cost of care before  
24 admission to a state facility shall be paid by the county of  
25 residence. No person shall be delivered or admitted to any  
26 non-Department of Mental Health treatment facility unless such  
27 treatment facility is licensed and/or certified to provide the  
28 appropriate level of psychiatric care for the mentally ill. It is  
29 the intent of this Legislature that county-owned hospitals work  
30 with regional community mental health/mental retardation centers  
31 in providing care to local patients. The clerk shall provide the  
32 director of the admitting institution with a certified copy of the  
33 court order, a certified copy of the physicians' and any

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

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

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

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

62 (a) When, in the judgment of the director, the patient  
63 may be treated in a less restrictive environment; provided,  
64 however, that treatment in such less restrictive environment shall  
65 be implemented within seven (7) days after notification of the  
66 court; or

67 (b) When, in the judgment of the director, adequate  
68 facilities or treatment are not available at the treatment  
69 facility.

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

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

94 (5) All providers of service in a treatment facility,  
95 whether in a community mental health/retardation center, region or  
96 state psychiatric hospital, are authorized and directed to request  
97 a consent to release information from all patients which will  
98 allow that entity to involve the family in the patient's  
99 treatment. Such release form shall be developed by the Department  
100 of Mental Health and provided to all treatment facilities,  
101 community mental health/retardation centers and state facilities.

102 All such facilities shall request such a release of information  
103 upon the date of admission of the patient to the facility or at  
104 least by the time the patient is discharged.

105 **SECTION 3.** This act shall take effect and be in force from  
106 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 41-21-77 AND 41-21-87, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT MENTALLY ILL PATIENTS ORDERED  
3 COMMITTED AND AWAITING ADMISSION MAY BE GIVEN TREATMENT IN ANY  
4 FACILITY DEEMED APPROPRIATE BY THE COURT; TO CLARIFY ADMISSION AND  
5 DISCHARGE PROCEDURES FOR MENTALLY ILL PATIENTS COMMITTED TO  
6 TREATMENT FACILITIES; AND FOR RELATED PURPOSES.

HR03\SB2521PH.J

Don Richardson  
Clerk of the House of Representatives