

AMENDMENT PROPOSED TO

SENATE BILL NO. 2521

BY COMMITTEE

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

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

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

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



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

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

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

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



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

102 **SECTION 3.** This act shall take effect and be in force from
103 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.

