

By: Representative DeLano

To: Judiciary A

HOUSE BILL NO. 1300

1 AN ACT TO AMEND SECTION 41-21-77, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT WHEN ADMISSION IS ORDERED AT A TREATMENT FACILITY
 3 IN A CIVIL COMMITMENT PROCEEDING, THE DIRECTOR OF THE FACILITY
 4 SHALL NOT UNDULY WITHHOLD ADMITTANCE TO THE FACILITY; TO PROVIDE
 5 THAT IF THE DIRECTOR OF THE FACILITY DENIES ADMITTANCE TO THE
 6 FACILITY FOR ANY REASON WHATSOEVER, THE DIRECTOR SHALL PROVIDE THE
 7 COURT THE REASON FOR DENIAL IN WRITING WITHIN TWENTY-FOUR HOURS;
 8 AND FOR RELATED PURPOSES.

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

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

12 41-21-77. If admission is ordered at a treatment facility,
 13 the sheriff, his or her deputy or any other person appointed or
 14 authorized by the court shall immediately deliver the respondent
 15 to the director of the appropriate facility. Neither the Board of
 16 Mental Health or its members, nor the Department of Mental Health
 17 or its related facilities, nor any employee of the Department of
 18 Mental Health or its related facilities, shall be appointed,
 19 authorized or ordered to deliver the respondent for treatment, and
 20 no person shall be so delivered or admitted until the director of
 21 the admitting institution determines that facilities and services



22 are available, which shall not be unduly withheld. If the
23 director of the facility denies admittance to the facility for any
24 reason whatsoever, the director shall provide the court the reason
25 for denial in writing within twenty-four (24) hours. Persons who
26 have been ordered committed and are awaiting admission may be
27 given any such treatment in the facility by a licensed physician
28 as is indicated by standard medical practice. Any county facility
29 used for providing housing, maintenance and medical treatment for
30 involuntarily committed persons pending their transportation and
31 admission to a state treatment facility shall be certified by the
32 State Department of Mental Health under the provisions of Section
33 41-4-7(kk). No person shall be delivered or admitted to any
34 non-Department of Mental Health treatment facility unless the
35 treatment facility is licensed and/or certified to provide the
36 appropriate level of psychiatric care for persons with mental
37 illness. It is the intent of this Legislature that county-owned
38 hospitals work with regional community mental health/intellectual
39 disability centers in providing care to local patients. The clerk
40 shall provide the director of the admitting institution with a
41 certified copy of the court order, a certified copy of the
42 physicians' or the physician's and psychologist's, nurse
43 practitioner's or physician assistant's certificate, a certified
44 copy of the affidavit, and any other information available
45 concerning the physical and mental condition of the respondent.
46 Upon notification from the United States Veterans Administration



47 or other agency of the United States government, that facilities
48 are available and the respondent is eligible for care and
49 treatment in those facilities, the court may enter an order for
50 delivery of the respondent to or retention by the Veterans
51 Administration or other agency of the United States government,
52 and, in those cases the chief officer to whom the respondent is so
53 delivered or by whom he is retained shall, with respect to the
54 respondent, be vested with the same powers as the director of the
55 Mississippi State Hospital at Whitfield, or the East Mississippi
56 State Hospital at Meridian, with respect to retention and
57 discharge of the respondent.

58 **SECTION 2.** This act shall take effect and be in force from
59 and after July 1, 2018.

