

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2308

As Amended by House Committee of the Whole

Brief*

HB 2308, as amended, would create law, which would be known as Gordy's Gift, related to suicide evaluation upon admission to certain treatment facilities, and would amend law related to admission to facilities that provide behavioral health care services.

Suicide Evaluation

The bill would require patients to be evaluated for the risk of attempting suicide upon inpatient admission to a treatment facility.

The bill would require staff conducting the evaluation be knowledgeable about suicide risk management. If the patient is found to be at risk of attempting suicide, the treatment facility would be required to provide a level of patient monitoring and assistance appropriate for the level of risk to the patient.

The bill would define "treatment facility" to include specific facilities, which are defined in current law. Facilities considered treatment facilities under the bill would be:

- Community mental health centers;
- Crisis intervention centers;
- Hospitals with psychiatric units;
- Mental health clinics;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Private or public treatment facilities;
- Psychiatric hospitals, psychiatric residential treatment facilities, or residential care facilities; and
- Osawatomie State Hospital or Larned State Hospital.

Ex Parte Emergency Custody Orders

Current law under the Care and Treatment Act for Mentally Ill Persons allows *ex parte* emergency custody orders to be issued at the time of petition for determination of whether a person is mentally ill and subject to involuntary commitment for treatment and care, or any time thereafter, prior to trial.

Such orders may include either an order directing any law enforcement officer to take the named person into custody, and transport such person to a treatment facility or other suitable place, or an order authorizing any named treatment facility or other suitable place to detain or continue to detain such person until further order by the court, or until the *ex parte* order expires.

No *ex parte* emergency custody order may provide for the detention of a person at a state psychiatric hospital unless a written statement from a qualified mental health professional authorizing such admission and detention at a state psychiatric hospital has been filed with the court. District courts may not issue successive *ex parte* emergency custody orders upon expiration of the initial order.

The bill would allow the district court to issue successive *ex parte* emergency custody orders only when the court has received notice that the state psychiatric hospital is not admitting patients and the named person has been placed on a waiting list by such state psychiatric hospital.

Background

The bill was introduced by Representative Houser. As introduced, the bill contained provisions regarding suicide evaluation.

In the House Committee on Federal and State Affairs hearing, proponent testimony was provided by Representative Houser, representatives of Headquarters, Inc., and the Kansas Department for Aging and Disability Services (KDADS), and private citizens. Written-only proponent testimony was provided by the Association of Community Mental Health Centers, Inc.

Neutral testimony was presented by a representative of the Behavioral Health Association of Kansas. No other testimony was provided.

The House Committee amended the bill by clarifying evaluations for suicide risk would be required for patients admitted for inpatient treatment. The House Committee also amended the definition of "treatment facility" to list certain treatment facilities as defined in current law. The House Committee also adopted a technical amendment.

The House Committee of the Whole amended the bill by specifying that patients be evaluated for risk of attempting suicide rather than the risk of committing suicide. The House Committee also amended the bill by inserting provisions allowing a district court to issue a successive *ex parte* emergency custody order in certain situations under the Care and Treatment Act for Mentally Ill Persons.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, enactment of the bill would have no fiscal effect for KDADS or the state hospitals.