

SESSION OF 2011

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2104**

As Agreed to March 29, 2011

Brief*

HB 2104 would amend KSA 65-5603, concerning exceptions to the privilege of patients of mental health treatment facilities that prevents treatment personnel from disclosing the patient's receipt of services or any confidential communications made for the purposes of diagnosis or treatment of the patient's mental, alcoholic, drug dependency, or emotional condition. The bill would add an additional exemption to this privilege for information on whether a person is or has been a patient of any treatment facility within the last 6 months, allowing disclosure to law enforcement when an officer has reasonable suspicion that a person arrested suffers from mental illness and may benefit from treatment, rather than being placed in a correctional institution, jail, juvenile correctional facility, or juvenile detention facility. The bill also would define some of the key terms used in the new exception.

Conference Committee Action

The Conference Committee agreed to the Senate's changes and amended the bill to exempt information on whether a person is or has been a patient of any treatment facility within the last 6 months.

* Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Background

In the House Committee on Corrections and Juvenile Justice, representatives of the Johnson County Sheriff's Office, the Johnson County Mental Health Center, and the Prairie Village Police Department appeared in support of HB 2104. The Committee also received written testimony from the National Alliance on Mental Illness. The House Committee on Corrections and Juvenile Justice amended the bill by limiting the exception to information on whether a person is a current patient of a treatment facility.

The Senate Committee on Judiciary amended the bill by making it applicable to persons arrested, rather than detained.

The Department of Social and Rehabilitation Services indicated the passage of HB 2104, as introduced, would have no fiscal effect on its operations. The Juvenile Justice Authority stated that the cost of the bill would be negligible and could be absorbed within existing resources.

privilege for patients of mental health treatment facilities, law enforcement exception