

SENATE BILL REPORT

SB 6292

As Reported by Senate Committee On:
Human Services & Corrections, February 3, 2010

Title: An act relating to providing notice of release from involuntary treatment.

Brief Description: Providing notice of release from involuntary treatment.

Sponsors: Senator Brandland.

Brief History:

Committee Activity: Human Services & Corrections: 1/26/10, 2/03/10 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6292 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

Staff: Kevin Black (786-7747)

Background: Involuntary commitments for mental health treatment are initiated by designated mental health professionals (DMHP). The commitment may last for a renewable period of 72 hours, 14 days, 90 days, or 180 days. It is not uncommon for a person who is detained by a DMHP to be transported across county lines for treatment at an evaluation and treatment facility or state hospital. Once an individual is discharged from commitment, the individual may receive a less restrictive order (LRO) or conditional release order specifying conditions of release, including cooperation with mental health treatment. A DMHP may initiate a new commitment on the basis of noncompliance with a LRO or conditional release order in circumstances which would not otherwise justify civil commitment.

Summary of Bill (Recommended Substitute): Whenever a person who is involuntarily committed for mental health treatment is discharged from an evaluation and treatment facility or a state hospital, the evaluation and treatment facility or state hospital must provide notice of the discharge, and a copy of any LRO or conditional release order, to the DMHP's office in the county where the commitment was initiated, and the DMHP's office in the county where the individual is expected to reside. The evaluation and treatment facility or state hospital need not send a copy of the LRO or conditional release order if it has entered into a

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memorandum of understanding obligating another entity to provide these documents. The notice and documents must be provided within one business day. The Department of Social and Health Services (DSHS) must maintain and make available an updated list of contact information for DMHP offices around the state.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): An evaluation and treatment facility or state hospital need not send a copy of the LRO or conditional release order if it has entered into a memorandum of understanding obligating another entity to provide these documents. The notice and documents must be provided within one business day. DSHS must maintain and make available an updated list of contact information for DMHP offices around the state.

Appropriation: None.

Fiscal Note: Requested on February 4, 2010.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: I was surprised to learn that a DMHP office sometimes does not receive notice when a detained person is released. If the DMHP has knowledge, the DMHP can enforce any conditions of release to protect the patient and the community. The bill should be strengthened by requiring notice to law enforcement to enhance public safety.

CON: Discharge staff are concerned that they may not be able to determine what DMHP offices to contact, and whether those offices will give sufficient protection to the privacy of medical information.

Persons Testifying: PRO: Senator Brandland, prime sponsor; Chief John Turner, Snohomish City Police.

CON: Jackie Der, Harborview Medical Center.