
Judiciary Committee

HB 1536

Title: An act relating to the timing of emergency detentions and assessments under the involuntary treatment act.

Brief Description: Addressing the timing of emergency detentions and assessments under the involuntary treatment act.

Sponsors: Representatives Klippert, Cody, Goodman, Muri, Stokesbary, Haler, Hayes, Tharinger and Wylie.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Provides that a hospital or other facility may hold a person delivered by law enforcement for 12 hours from the time of medical clearance, rather than 12 hours from arrival, for an initial detention determination by a designated mental health professional.
--

Hearing Date: 2/3/15

Staff: Omeara Harrington (786-7136).

Background:

Under the Involuntary Treatment Act (ITA), a law enforcement officer may take a person into custody and immediately deliver him or her to a triage facility, crisis stabilization unit, evaluation and treatment facility, or emergency department of a local hospital if the officer has reasonable cause to believe that the person is suffering from a mental disorder and poses an imminent likelihood of serious harm or is in imminent danger due to grave disability. For purposes of the ITA, "imminent" means the harm is likely to occur at any moment or near at hand, rather than being distant or remote.

When a person is delivered to a facility by law enforcement, the facility may hold the person for up to 12 hours. A mental health professional must examine the person within three hours of

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

arrival at the facility, and a designated mental health professional (DMHP) must determine within 12 hours of the person's arrival whether the person meets the criteria for a 72 hour initial detention.

Prior to pursuing initial detention, the DMHP must assess the credibility of the information received and attempt to interview the person, and must consider all reasonably available information from credible witnesses and records regarding the person's history of violent acts, prior commitments, and other specified information. If the DMHP is satisfied that the person, due to a mental disorder, presents a likelihood of serious harm or is gravely disabled and will not accept appropriate treatment voluntarily, the DMHP may take action to have the person detained for an ITA evaluation. Under emergency circumstances, when the likelihood of serious harm or danger due to grave disability is imminent, the DMHP may have the person detained without a court order. Under non-emergent conditions, a court order is required for an initial detention, which the court may issue upon a finding of probable cause.

Summary of Bill:

Persons taken into custody by law enforcement and delivered to an emergency department of a local hospital or other facility may be held for a period of 12 hours from the time of medical clearance, rather than 12 hours from arrival, to allow a DMHP to determine whether the person should be detained under the ITA.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.