

S1327- Civil Commitments and Financial Responsibility

February 23, 2022

Talking Points

Prepared for Senator Riggs, 3rd District

Background:

The purpose of this legislation is to update and solve several challenges with the civil commitment statute in Idaho. The Idaho Behavioral Health Council (IBHC) prioritized improvements to the civil commitment laws in Idaho. The IBHC organized an implementation team of stakeholders that developed the changes in this legislation. Those changes include:

- 1) Assignment of financial responsibility for pre-commitment holds and post-commitment cost as necessary based on passage of HB316 in the 2021 legislative session;
- 2) Assignment of responsibilities for organizing designated examinations and transportation;
- 3) Clarifying definitions of criteria for commitment;
- 4) Expanding requirements for qualifications of designated examiners.

Talking Points:

- During the 2021 Legislative Session, the Idaho Legislature passed HB316. One effect of HB316 was the change of financial responsibility for mental holds and commitments. Previously, counties were financially responsible for the pre-commitment costs and Health and Welfare was responsible for post-commitment costs.
- S1327 assigns financial responsibility for pre-commitment and post-commitment costs to the Department of Health and Welfare. These costs including psychiatric hospitalization costs, the costs of designated examinations, and post-commitment transportation costs.
- One benefit of DHW being responsible for post-commitment transportation is changing the how committed patients are transported. Historically, patients are transported in handcuffs and shackles in the back of police cars. Once DHW is responsible, these same patients will be ethically and humanely transported by a secure medical transport provider.
- S1327 changes the definition of gravely disabled, to be clearer and more effectively communicate the criteria for commitment of mentally ill patients.
- Idaho has a challenge in find physicians and psychologist to perform a second designated exam, which are required and overseen by the courts in Idaho.
- S1327 adds a definition of "senior designated examiner" which articulates the requirements to who can perform second designated exams and expands it from just physicians and psychologists to experienced licensed master level mental health professionals with a minimum of three (3) years' experience doing designated exams.
- Lastly, S1327 clarifies the requirements to notify family and relatives of patients that have been committed and allows those family members (and facilities care for committed patients) the ability to assist them in applying for benefits to pay for their hospitalization to avoid potentially thousands of dollars in hospital costs.

Contact for questions:

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