

STATEMENT OF PURPOSE

RS24847

The intent of this legislation is to add section 18-212, Idaho Code, to section 66-609(1), Idaho Code, that currently allows state hospitals to provide treatment contrary to a declaration for mental health treatment when an individual is committed under section Title 66, Chapter 3, section 66-329, Idaho Code. The purpose of a declaration of mental health is to allow a competent adult to document preferences or instructions regarding mental health treatment. The purpose of a commitment, whether civil or for restoration to competency, is to provide the necessary treatment to a patient who has been deemed by a court as being unable to make informed decisions in their own interest and contribute to their own defense. It may be necessary to provide treatment that is contrary to the patient's declaration of mental health treatment to fulfill the department's legal obligation to stabilize the patient under sections 66-329 and 18-212, Idaho Code. For example, during a period of wellness, an individual may state in a declaration of mental health treatment that they do not want to be placed on psychotropic medication, yet during crisis; the only treatment method to manage their uncontrolled psychosis is medication. Without the ability to provide the necessary treatment, the individual may never be successfully stabilized and the commitment dropped. This change is necessary to provide the Department of Health and Welfare the authority to deliver court ordered treatment and restoration services, as directed under I.C. 18-212.

FISCAL NOTE

There is no anticipated impact to the State General Fund or any other funds for this proposed legislation. This legislation change is intended to be cost neutral. This legislation is cost neutral because patients are already at the state hospitals and receiving treatment. It does not increase the costs to serve these patients nor is it a new population of patients.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).