

1 AN ACT relating to mental health treatment.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 202A.021 is amended to read as follows:

- 4 (1) The hospitalization of minors alleged to be mentally ill, except those provided for in
5 KRS Chapter 640, shall be governed by KRS Chapter 645.
- 6 (2) An authorized staff physician of a hospital may admit for observation, diagnosis,
7 care and treatment any person who is mentally ill or who has symptoms of mental
8 illness and who applies voluntarily therefor.
- 9 (3) An authorized staff physician of a hospital shall discharge any voluntary patient
10 who has recovered or whose hospitalization the staff physician determines to be no
11 longer necessary or advisable.
- 12 (4) A voluntary patient shall be released upon the patient's written request unless
13 further detained under the applicable provisions of this chapter.

14 **(5) Upon the order of an authorized staff physician of an admitting hospital and an**
15 **authorized staff physician of a receiving hospital or psychiatric facility, a person**
16 **who is admitted under subsection (2) of this section or KRS 202A.031, may be**
17 **transported voluntarily by the hospital to the receiving hospital or psychiatric**
18 **facility.**

19 ➔Section 2. KRS 645.030 is amended to read as follows:

20 **(1)** An authorized staff physician may admit for observation, diagnosis, and treatment
21 at a hospital any child who is mentally ill or has symptoms of mental illness:

22 **(a)**~~(1)~~ Upon written application of a parent or other person exercising custodial
23 control or supervision, if the child is under sixteen (16) years of age. At or
24 before the child's admission, the child, parent or other person shall be
25 informed of his **or her** rights under KRS 645.230 and 645.240. Any child
26 admitted under this subsection who reaches his **or her** sixteenth birthday
27 while hospitalized shall consent to his **or her** continued hospitalization or

1 shall request his or her release. If the child fails to choose, the hospital shall
 2 advise the court-designated worker and the parent or other person exercising
 3 custodial control or supervision;

4 ~~(b)(2)~~ Upon written application by a child who is at least sixteen (16) years of
 5 age and one (1) of his or her parents or a person exercising custodial control
 6 or supervision. At or before admission, the child shall be informed of his or
 7 her right to give notice of his or her intent to leave under KRS 645.190 and
 8 his or her right to consult an attorney or his or her court-designated worker
 9 under KRS 645.130. The child may consult an attorney prior to his or her
 10 admission; or

11 ~~(c)(3)~~ Upon written application by a child who is at least sixteen (16) years of
 12 age. At or before admission, the child shall be informed of his or her rights
 13 under KRS 645.190 and his or her parents' rights under KRS 645.220,
 14 645.230 and 645.240.

15 **(2) A child who is admitted to a hospital under subsection (1) of this section or KRS**
 16 **645.120, may be transported by the admitting hospital to a receiving hospital or**
 17 **psychiatric facility upon the order of an authorized staff physician of the**
 18 **admitting hospital and an authorized staff physician of the receiving hospital or**
 19 **psychiatric facility, and the consent of:**

20 **(a) A parent or other person exercising custodial control or supervision, if the**
 21 **child is under sixteen (16) years of age; or**

22 **(b) A parent or other person exercising custodial control or supervision of the**
 23 **child and the child, if the child is at least sixteen (16) years of age.**

24 ➔Section 3. KRS 645.190 is amended to read as follows:

25 (1) Any child who was admitted pursuant to KRS 645.030(1)(b) or (c)~~[(2) or (3)]~~ may
 26 give notice of intent to leave at any time. The notice need not follow any specific
 27 form so long as it is written and the intent of the child can be discerned. The notice

1 may be written by the child, a court-designated worker, or any other adult having an
2 interest in the welfare of the child, provided that it reflects the stated wishes of the
3 child.

4 (2) Staff members receiving the notice shall immediately date it, record its existence on
5 the child's medical chart, and send copies of it to:

6 (a) The child's attorney, if any;

7 (b) The court; and

8 (c) The parents or other person exercising custodial control or supervision of the
9 child.