

2010 -- S 2418

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO MENTAL HEALTH, RETARDATION, AND HOSPITALS -- MENTAL
HEALTH LAW

Introduced By: Senator C Levesque

Date Introduced: February 11, 2010

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40.1-5-2 of the General Laws in Chapter 40.1-5 entitled "Mental
2 Health Law" is hereby amended to read as follows:

3 **40.1-5-2. Definitions.** -- Whenever used in this chapter, or in any order, rule, or
4 regulation made or promulgated pursuant to this chapter, or in any printed forms prepared by the
5 department or the director, unless otherwise expressly stated, or unless the context or subject
6 matter otherwise requires:

7 (1) "Alternatives to admission or certification" means alternatives to a particular facility
8 or treatment program, and shall include, but not be limited to, voluntary or court-ordered
9 outpatient treatment, day treatment in a hospital, night treatment in a hospital, placement in the
10 custody of a friend or relative, placement in a nursing home, referral to a community mental
11 health clinic and home health aide services, or any other services that may be deemed
12 appropriate.

13 (2) "Care and treatment" means psychiatric care, together with such medical, nursing,
14 psychological, social, rehabilitative, and maintenance services as may be required by a patient in
15 association with the psychiatric care provided pursuant to an individualized treatment plan
16 recorded in the patient's medical record.

17 (3) "Department" means the state department of mental health, retardation, and hospitals.

18 (4) "Director" means the director of the state department of mental health, retardation,

1 and hospitals.

2 (5) "Facility" means a state hospital or psychiatric inpatient facility in the department, a
3 psychiatric inpatient facility maintained by a political subdivision of the state for the care and/or
4 treatment of the mentally disabled, ~~a general or specialized hospital maintaining staff and~~
5 ~~facilities for such purpose~~, any of the several community mental health services established
6 pursuant to chapter 8.5 of this title, and any other facility within the state providing inpatient
7 psychiatric care and/or treatment and approved by the director upon application of this facility.
8 Included within this definition shall be all hospitals, institutions, facilities, and services under the
9 control and direction of the director and the department, as provided in this chapter. Nothing
10 contained herein shall be construed to amend or repeal any of the provisions of chapter 16 of title
11 23.

12 (6) "Indigent person" means a person who has not sufficient property or income to
13 support himself or herself, and to support the members of his or her family dependent upon him
14 or her for support, and/or is unable to pay the fees and costs incurred pursuant to any legal
15 proceedings conducted under the provisions of this chapter.

16 (7) "Likelihood of serious harm" means:

17 (i) A substantial risk of physical harm to the person himself or herself as manifested by
18 behavior evidencing serious threats of, or attempts at, suicide;

19 (ii) A substantial risk of physical harm to other persons as manifested by behavior or
20 threats evidencing homicidal or other violent behavior; or

21 (iii) A substantial risk of physical harm to the mentally disabled person as manifested by
22 behavior which has created a grave, clear, and present risk to his or her physical health and safety.

23 (iv) In determining whether there exists a likelihood of serious harm the physician and
24 the court may consider previous acts, diagnosis, words or thoughts of the patient. If a patient has
25 been incarcerated, or institutionalized, or in a controlled environment of any kind, the court may
26 give great weight to such prior acts, diagnosis, words, or thoughts.

27 (8) "Mental disability" means a mental disorder in which the capacity of a person to
28 exercise self control or judgment in the conduct of his or her affairs and social relations, or to care
29 for his or her own personal needs, is significantly impaired.

30 (9) "Mental health professional" means a psychiatrist, psychologist, or social worker and
31 such other persons, including psychiatric nurse clinicians, as may be defined by rules and
32 regulations promulgated by the director.

33 (10) "Patient" means a person certified or admitted to a facility according to the
34 provisions of this chapter.

1 (11) "Physician" means a person duly licensed to practice medicine or osteopathy in this
2 state.

3 (12) "Psychiatric nurse clinician" means a licensed professional registered nurse with a
4 master's degree in psychiatric nursing or related field who is currently working in the mental
5 health field as defined by the American Nurses Association.

6 (13) "Psychiatrist" means a person duly licensed to practice medicine or osteopathy in
7 this state who has in addition completed three (3) years of graduate psychiatric training in a
8 program approved by the American Medical Association or American Osteopathic Association.

9 (14) "Psychologist" means a person certified pursuant to chapter 44 of title 5.

10 (15) "Social worker" means a person with a masters or further advanced degree from a
11 school of social work, which is accredited by the council of social work education.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would remove “general specialized hospitals” from the definition of facility as it
- 2 pertains to the department of mental health, retardation and hospitals.
- 3 This act would take effect upon passage.

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