

## HOUSE BILL NO. HB0184

Involuntary commitment-appointment of gatekeepers.

Sponsored by: Representative(s) Connolly, Furphy and Haley  
and Senator(s) Moniz

A BILL

for

1 AN ACT relating to involuntary commitment; amending  
2 provisions related to the designation of gatekeepers; and  
3 providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 25-10-101(a)(xvi), 25-10-109(e), (f)  
8 and (h), 25-10-110(d)(intro) and (vii), (h), (j)(i)(E) and  
9 (n), 25-10-110.1(c) and (f), 25-10-112(g),  
10 25-10-127(a)(intro) and (iii) and 25-10-128 are amended to  
11 read:

12

13 **25-10-101. Definitions.**

14

15 (a) As used in this act:

1

2 (xvi) "Gatekeeper" means the single point of  
3 responsibility which may be designated ~~by the department~~  
4 pursuant to W.S. 25-10-112(g);

5

6 **25-10-109. Emergency detention.**

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8 (e) The law enforcement officer or examiner who  
9 initially detained the person shall make a written  
10 statement of the facts of the emergency detention. A copy  
11 of the statement shall be given to the detained person, to  
12 any gatekeeper ~~designated by the department~~ and to any  
13 subsequent examiner.

14

15 (f) When a person is detained under emergency  
16 circumstances, treatment may be given during the emergency  
17 detention period if the person voluntarily and knowingly  
18 consents. The parent or guardian of a minor or incompetent  
19 person may consent to treatment. If the parent or guardian  
20 of a minor patient does not consent to treatment, a  
21 petition may be filed under the Child Protection Act.  
22 Treatment may be given without the consent of the detained  
23 person or his parent or guardian when treatment is limited

1 to diagnosis or evaluation or when treatment is necessary  
2 to prevent immediate and serious physical harm to the  
3 person or others. Prior to treatment, the person shall be  
4 fully advised of the scope of treatment, and a report of  
5 the treatment shall be provided to any gatekeeper  
6 ~~designated by the department~~ and filed with the court if  
7 directed outpatient commitment or involuntary  
8 hospitalization proceedings are commenced. An examiner or a  
9 physician who provides treatment in good faith pursuant to  
10 this subsection shall be immune from civil liability for  
11 the treatment except there shall be no immunity from  
12 liability for negligent acts or deliberate misconduct.

13

14 (h) When a person is detained in emergency detention  
15 and an application for directed outpatient commitment or  
16 involuntary hospitalization is filed by the county  
17 attorney, the court shall appoint an attorney to represent  
18 the detained person unless he has his own attorney, and the  
19 court shall conduct a hearing within seventy-two (72)  
20 hours, excluding Saturdays, Sundays and legal holidays, of  
21 the initial detention to determine whether continued  
22 detention is required pending directed outpatient  
23 commitment or involuntary hospitalization proceedings. The

1 county attorney of the county where the application is  
2 filed shall appear on behalf of the state at the hearing.  
3 Any gatekeeper designated ~~by the department~~ pursuant to  
4 W.S. 25-10-112(g) shall appear at the hearing and provide  
5 testimony concerning continued detention and, if  
6 applicable, the issues outlined in subsection (m) of this  
7 section. Notice of the preliminary hearing shall be given  
8 to the county attorney, any gatekeeper, ~~designated by the~~  
9 ~~department,~~ the detained person and his attorney. The court  
10 may delay the hearing only at the request of the detained  
11 person or his parent, guardian or his attorney. An  
12 emergency detention hearing may be waived at the request of  
13 the detained person or the detained person's attorney. If  
14 an emergency detention hearing has been waived, the court  
15 may immediately conduct the directed outpatient commitment  
16 or involuntary hospitalization hearing.

17

18 **25-10-110. Involuntary hospitalization proceedings.**

19

20 (d) Upon receipt of an application, the court shall  
21 issue notice thereof to the proposed patient, the person  
22 responsible for the care or custody of the proposed  
23 patient, any gatekeeper ~~designated by the department~~ and

1 other persons designated by the court. The notice shall be  
2 served as provided by the Wyoming Rules of Civil Procedure.  
3 The notice shall apprise the proposed patient:

4

5 (vii) Of the identity of any gatekeeper  
6 designated ~~by the department~~ pursuant to W.S. 25-10-112(g).

7

8 (h) The proposed patient, the applicant, and all  
9 others to whom notice is required may appear at the hearing  
10 to testify and may present witnesses. The court shall  
11 consider the testimony of any gatekeeper ~~designated by the~~  
12 ~~department~~ and may receive the testimony of other persons.  
13 The proposed patient shall be present at the hearing unless  
14 he waives his right to appear. All persons not necessary to  
15 protect the rights of the parties shall be excluded from  
16 the hearing. The hearing shall be conducted in as informal  
17 a manner as is consistent with orderly procedure and in a  
18 physical setting which will not have a harmful effect on  
19 the mental health of the proposed patient. Any hearing  
20 conducted under this subsection shall be recorded by the  
21 court reporter or by electronic, mechanical or other  
22 appropriate means.

23

1           (j) If, upon completion of the hearing and  
2 consideration of the record, the court or the jury finds by  
3 clear and convincing evidence that the proposed patient is  
4 mentally ill the court shall consider the least restrictive  
5 and most therapeutic alternatives, give consideration to  
6 any recommendations by the gatekeeper and shall:

7

8           (i) Order his hospitalization, assign him to a  
9 hospital, and:

10

11           (E) Make findings as to his competence to  
12 make informed choices regarding treatment and his need for  
13 prescribed psychotropic medication. If the court finds the  
14 person incompetent to make an informed decision, the court  
15 may order the administration of prescribed psychotropic  
16 medication. The order for medication shall be reviewed by  
17 a physician upon commitment and by a psychiatrist upon  
18 admission to the hospital. The prescribed medication shall  
19 be continued if found medically appropriate by the  
20 investigation review committee of the hospital or  
21 institution, subject to review by the medical director of  
22 the hospital or institution. Any action by the medical  
23 director of the hospital or institution shall be reviewable

1 pursuant to the Wyoming Administrative Procedure Act. All  
2 orders for prescribed medication or a summary of all orders  
3 shall be provided to the gatekeeper designated ~~by the~~  
4 ~~department~~ under W.S. 25-10-112(g).

5  
6 (n) The court shall inquire into the medical  
7 condition of every patient found to be mentally ill. If the  
8 court determines based upon the advice of a physician or  
9 other qualified professional, and in consultation with any  
10 gatekeeper designated ~~by the department~~ pursuant to W.S.  
11 25-10-112(g), that the patient's present primary need is  
12 for medical treatment or care and whose need for  
13 psychiatric care is secondary, the court may delay ordering  
14 directed outpatient commitment or involuntary  
15 hospitalization of the patient until such time as the  
16 patient receives medical care and the patient's need for  
17 psychiatric care is primary.

18

19 **25-10-110.1. Directed outpatient commitment**  
20 **proceedings.**

21

22 (c) The terms and conditions of the treatment plan  
23 shall be established by an examiner in consultation with

1 any gatekeeper ~~designated by the department~~ and approved by  
2 the court. In preparing the plan, the examiner shall  
3 consult with the county attorney, treating health care  
4 providers and the patient or the person responsible for the  
5 care and custody of the patient, if known.

6

7 (f) The treatment center or treatment provider or any  
8 other person identified in the treatment plan shall report  
9 to the county attorney and any gatekeeper ~~designated by the~~  
10 ~~department~~ any material noncompliance by the patient with  
11 the treatment plan.

12

13 **25-10-112. Liability for costs of detention,**  
14 **involuntary hospitalization and proceedings therefor.**

15

16 (g) ~~The department in consultation with~~ Each board of  
17 county commissioners may establish a single point of  
18 responsibility or gatekeeper. Gatekeeper duties shall  
19 include, but are not limited to, providing guidance on  
20 issues of detention and involuntary treatment and  
21 monitoring and coordinating timely, efficient and effective  
22 patient treatment prior to, during and after any emergency  
23 detention or involuntary treatment under this act. No



1 gatekeeper designated under this subsection shall provide  
2 inpatient psychiatric treatment to patients under this act,  
3 unless the gatekeeper has been approved by the department  
4 of health to provide these services.

5

6 **25-10-127. Convalescent status; discharge;**  
7 **readmittance.**

8

9 (a) After providing notice to the court, the county  
10 attorney who initiated involuntary hospitalization  
11 procedures, any gatekeeper ~~designated by the department~~ and  
12 all interested parties, the hospital may release an  
13 improved patient on convalescent leave subject to the  
14 following:

15

16 (iii) Release on convalescent leave shall  
17 include a plan of treatment on an outpatient or nonhospital  
18 basis and other provisions for continuing responsibility of  
19 the patient by the hospital. Prior to the end of one (1)  
20 year on convalescent leave, and not less than annually  
21 thereafter, the hospital shall reexamine the facts relating  
22 to the hospitalization of the patient on convalescent leave  
23 and if the hospital determines hospitalization is no longer

1 anticipated, the hospital shall discharge the patient and  
2 make a report of discharge to the court, to any gatekeeper  
3 ~~designated by the department~~ and to the county attorney who  
4 initiated procedures for the involuntary hospitalization.

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6 **25-10-128. Access to patient information.**

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8 Any disclosure of patient information required by this  
9 article shall be subject to limitations imposed by state  
10 and federal law. The department shall promulgate rules  
11 facilitating the exchange of information required by this  
12 article to the maximum extent allowed by state and federal  
13 law. At the discretion of the court considering a matter  
14 under this article, the court may order the disclosure of  
15 information required by this article. The court also may  
16 designate and direct the actions of a gatekeeper otherwise  
17 designated ~~by the department~~ under W.S. 25-10-112(g) for  
18 the purpose of allowing the gatekeeper access to patient  
19 information.

20

21 **Section 2.** This act is effective July 1, 2017.

22

23

(END)