

**MINUTES OF THE
TASK FORCE ON INVOLUNTARY COMMITMENT OF THE MENTALLY ILL**
Wednesday, October 9, 2002 – 2:00 p.m. – Room 414-416 State Capitol

Members Present:

Rep. Katherine M. Bryson, House Chair
Sen. David L. Gladwell
Sen. Karen Hale
Sen. Lyle W. Hillyard
Rep. Douglas C. Aagard
Rep. Chad E. Bennion
Rep. Judy Ann Buffmire
Rep. Neil A. Hansen
Rep. Carol Spackman Moss
Rep. Mike Thompson

Members Absent:

Sen. Leonard M. Blackham, Senate Chair
Sen. D. Edgar Allen

Staff Present:

Arthur L. Hunsaker, Research Analyst
Esther D. Chelsea-McCarty, Associate General Counsel
Glenda S. Whitney, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary, Glenda Whitney, at 538-1032.

1. Task Force Business

Chair Bryson called the meeting to order at 2:18 p.m. She noted that the task force will discuss and review the proposed legislation at this meeting, will take public comment, and then at the next meeting will take action on the draft legislation "Involuntary Commitment Amendments."

MOTION: Sen. Hale moved to approve the minutes of the September 12, 2002 meeting. The motion passed unanimously. Rep. Bennion and Rep. Thompson were absent for the vote.

2. Draft Legislation

Ms. Esther D. Chelsea-McCarty, Associate General Counsel, referred to draft legislation "Involuntary Commitment Amendments" that was distributed to the task force prior to the meeting. Ms. McCarty presented an overview on the recommended changes to the draft legislation and answered questions from task force members.

Sen. Hillyard expressed concern with the current definition of "Mental Illness." He expressed interest in having someone from the Attorney General's Office who works in this area look at the definition and give their opinion. He also suggested a computer search in both the Utah Code and in administrative rules to see how many times the term "Mental Illness" is used. He explained the importance of ensuring that the words used in the draft legislation are consistent with the term as it is used in other parts of the code and in administrative rules.

After task force discussion, Chair Bryson asked for public comment regarding the draft legislation. The following individuals expressed concern or made recommendations to the draft.

Mr. Drew Hyde, Aurora Mental Health, distributed and reviewed a handout with his written comments and concerns regarding the draft legislation.

Sen. Gladwell asked which portion of the proposed draft Mr. Hyde opposed. Mr. Hyde spoke against implementation of the "Substantial danger" standard.

Ms. Mande Buckley, Protection and Advocacy for Individual Mental Illness, expressed concern with the changes in the definition of "Mental illness," disagreed with "forced medication," expressed concern with the consideration of historical evidence regarding mental illness, and suggested that advance directives should be made a part of the draft.

Ms. Lorraine Hewett, Mental Health Advocate and Consumer, spoke in support of the draft. She noted as a mother, she would like to have some say in the treatment of family members. She indicated that the proposed changes are needed in Utah to help the mentally ill so they do not get progressively worse.

Mr. Kent Palmer, Clubhouse Mental Health Consumer, spoke in support of the draft legislation that allows caretakers to help, not necessarily families, but friends like Clubhouse.

Ms. Joyce Dolcourt, Governor's Council for People with Disabilities, referred to lines 146-156 of the draft legislation and addressed concern with the definition of mental illness. She said they are pleased that the draft differentiates between mental illness, other developmental disabilities, and traumatic brain injury, but by not including the statement "although severe psychiatric disorders may co-exist with these disorders," people who have both problems who may not have access to the health care that they need may be excluded. She suggested that including this statement with the three items on lines 153-155 will provide recognition of dual diagnosis with severe psychiatric disorders.

Ms. Fraser Nelson, Disability Law Center, referred to Ms. Dolcourt's concerns and suggested adding clarification in the draft legislation that the definition of mental illness is for the purposes of involuntary commitment only. Ms. Nelson distributed a handout and reviewed her written comments and concerns regarding the draft legislation.

Ms. Kris Fawson, Legislative Coalition for People with Disabilities, expressed concerns about the exclusions from the definition of mental health.

Ms. Vicki Cottrell, Utah Chapter of the National Alliance for the Mentally Ill (NAMI), said it was an oversight that they did not say that the definition of mental illness needs to be just to this commitment standard and agreed with Ms. Nelson's suggested clarification. She also spoke in support of advance directives and indicated that it could solve a lot of the issues with people who suffer mental illness.

Dr. Alisa Von Riotte, LDS Hospital, identified areas of concern and proposed recommendations to the draft legislation. She pointed out that when examiners go in and talk to patients, the patient is never told they have a right to remain silent. She said this is part of the Wisconsin law and should be included in the draft legislation.

Chair Bryson said she has asked for an assessment of the fiscal impact of the draft legislation. She said if there are others who would like to make proposals or recommendations to the draft legislation, those can be submitted to staff.

3. Task Force Discussion and Business

Chair Bryson noted that the next meeting of the task force was scheduled for Wednesday, November 6, 2002 at 2:00 p.m.

4. Adjourn

MOTION: Rep. Thompson moved to adjourn the meeting. The motion passed unanimously. Chair Bryson adjourned the meeting at 4:04 p.m.