

**MINUTES OF THE
TASK FORCE ON INVOLUNTARY COMMITMENT OF THE MENTALLY ILL**
Wednesday, November 6, 2002 – 3:00 p.m. – Room 414-416 State Capitol

Members Present:

Sen. Leonard M. Blackham, Senate Chair
Rep. Katherine M. Bryson, House Chair
Sen. D. Edgar Allen
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. David L. Gladwell

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

Sen. Blackham called the meeting to order at 3:06 p.m.

MOTION: Rep. Bennion moved to approve the minutes of the October 9, 2002 meeting. The motion passed unanimously. Sen. Hillyard was absent for the vote.

2. Estimated Financial Impact of Draft Legislation

Mr. Thor Nilsen, Legislative Fiscal Analyst, briefly reviewed estimated fiscal impacts of proposed legislation "Involuntary Commitment Amendments," stating the current proposals would probably have a fiscal impact very close to estimates made back in September. Those estimates indicated a need for state funds of about \$400,000 to the Mental Health System and another \$50,000 to \$100,000 for the State Court System.

3. Draft Legislation - Involuntary Commitment Amendments

Chair Blackham referred to draft legislation "Involuntary Commitment Amendments," that was distributed in the mailing packet. Proposed amendments to the bill were also distributed for task force review. He suggested reviewing the amendments individually and taking action on the proposed amendments to the bill individually.

Chair Blackham asked Mr. Jack Tanner, Utah Behavioral Healthcare Network; Mr. Randy Bachman, Director, Division of Substance Abuse and Mental Health; Ms. Fraser Nelson, Disability Law Center; and Ms. Vicki Cottrell, Utah Chapter of the National Alliance for the Mentally Ill; to address task force questions concerning the proposed amendments as they were reviewed.

MOTION: Sen. Blackham moved on page 2, after line 43, to insert:

"(iv) promulgate rules in accordance with the Administrative Rulemaking Act, Section 63-46a-1, et. seq, to direct that all individuals receiving services through local mental health authorities or the Utah State Hospital be informed about and, if desired, provided assistance in completion of a declaration for mental health treatment in accordance with Section 62A-16-1002."

The motion passed unanimously.

MOTION: Sen. Blackham moved on page 9, to delete lines 254 through 256. The motion passed unanimously.

MOTION: Sen. Blackham moved on page 1, line 6, after "standard" to insert "for the purposes of involuntary commitment." The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 4, line 121, after "physician" to insert "familiar with severe mental illness." The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 5, to delete lines 141 through 151 and insert:

"(8)(a) "Mental illness" means a severe psychiatric disorder, which substantially impairs a person's thought processes, sensory input, which may cause mood disorders, delusions, hallucinations, threatening behavior or dangerous paranoid ideations, or which renders a person unable to provide the basic necessities of life.

"Mental illness," for the purposes of this chapter, does not include the following conditions unless a severe psychiatric condition exists independently of one of the following conditions, and is not induced or caused by the following conditions:

- (i) conditions which are primarily due to drug abuse or alcoholism;
- (ii) other known neurological disorders such as epilepsy, multiple sclerosis, Parkinson's disease, or Alzheimer's disease;" then renumber the remaining subsections accordingly.

The motion passed, with Rep. Buffmire voting in opposition. Sen. Hillyard was absent for the vote.

After further task force discussion on the previous motion, it made an additional amendment to the language.

MOTION: Sen. Blackham moved on the previous motion after " sensory input," to insert "or mood balance," and delete "which may cause mood disorders." The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 6, line 166, after "behavior" to insert "due to mental illness." The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 6, line 167, to delete "likely" and insert "at serious risk"; to delete "attempt" and insert "commit"; after "inflict" to insert "serious." The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 6, line 168, to delete "in the near future" and insert "within 90 days." The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 6, line 169, to delete "likely" and insert "at serious risk." The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 6, line 170, after "inflicted" to delete the "," and insert "or"; after "attempted" to delete "or threatened". The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 6, to delete line 172. The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 6, line 173, to delete "meeting the ordinary demands of living" and insert "providing the basic necessities of life." The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 6, line 174, after "that" to delete the rest of the line and insert "physically harms their health or safety." The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 6, at the end of line 175, to delete the ";" and insert a "." The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 6, to delete lines 177 through 179. The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 7, line 208, after "danger" to insert ", as defined in Section 62A-15-602." The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 9, line 273, to delete "receive" and insert "consider." The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 10, line 292, after "danger" to insert ", as defined in Section 62A-15-602." The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 10, line 296, to delete "costs and benefits of" and insert "risks of accepting or rejecting." The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 12, to delete lines 344 through 350, and insert:
"(1) the total number of individuals committed under the definitions of mental illness and substantial danger;

- (2) the length of time between initial hold and commitment hearing, and the mental health facility or unit where the individual was placed during this time period;
- (3) the total cost of care given between detention of the individual and formal commitment, or until the time the individual hold is dropped and the individual is discharged from the facility;
- (4) for each individual committed, actual placement, including days in inpatient settings before a community placement occurred;
- (5) the duration for the commitment, including all recommitments; and
- (6) the length of time between termination of the commitment and recommitment, if it occurs."

The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 12, after line 350, to insert "(7) the number of people lost to followup and why." The motion passed unanimously, with Sen. Hillyard absent for the vote.

MOTION: Sen. Blackham moved on page 2, line 43, after "appropriate" to insert "and with patient consent." The motion passed unanimously, with Sen. Hillyard absent for the vote.

4. Task Force Business / Adjourn

Chair Blackham noted that the next meeting of the task force will be scheduled for Tuesday, November 19, 2002 at 8:30 a.m. to review the amended draft legislation and take final action on the bill.

MOTION: Rep. Hansen moved to adjourn the meeting. The motion passed unanimously with Sen. Hillyard absent for the vote. Chair Blackham adjourned the meeting at 5:24 p.m.