

HB 475 – AS INTRODUCED

2013 SESSION

13-0786
01/05

HOUSE BILL **475**

AN ACT relative to the timing of the release of patients from New Hampshire hospital.

SPONSORS: Rep. Sandblade, Hills 18; Rep. Lambert, Hills 44; Rep. C. McGuire, Merr 29;
Rep. Jones, Straf 24; Rep. J. Tilton, Merr 3; Sen. Reagan, Dist 17

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill clarifies the timing of discharge from a receiving facility for emergency and nonemergency involuntary admissions.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the timing of the release of patients from New Hampshire hospital.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Involuntary Emergency Admissions; Discharge. Amend RSA 135-C:33, I to read as follows:

2 I. At any time during the period of involuntary emergency admission the administrator of
3 the receiving facility or designee in such facility shall discharge the person admitted if the
4 administrator decides that the person no longer meets the criteria established by RSA 135-C:27. If a
5 discharge occurs, under this section or pursuant to a finding of no probable cause by the court, the
6 receiving facility shall, with the consent of the person admitted, return such person to the place
7 where the person resided at the time the petition and physician's certificate were completed and
8 signed. ***If the discharge is pursuant to a finding of no probable cause by the court, the
9 receiving facility shall discharge the patient within one business day of the court's ruling.***

10 Unless the discharge is pursuant to a finding of no probable cause by the court, the receiving facility
11 shall give notice of the discharge to the community mental health program in the region from which
12 the person was admitted and to the community mental health program in the region to which the
13 person is being discharged. The person discharged or the person's guardian shall be given written
14 notice of such action taken by the receiving facility.

15 2 Nonemergency Involuntary Admissions; Conditions of Conditional Discharge. Amend
16 RSA 135-C:50, I to read as follows:

17 I. The administrator of a receiving facility may grant a conditional discharge under this
18 chapter to any person who consents, by an informed decision, to participate in continuing treatment
19 on an out-patient basis, who agrees to be subject to any rules adopted by the commissioner relative to
20 conditional discharge, and who understands the conditions of his *or her* discharge. ***If the
21 discharge is pursuant to a finding of no probable cause by the court, the receiving facility
22 shall discharge the patient within one business day of the court's ruling and, if required,
23 the patient's agreement to the conditions imposed by the court.*** The administrator of the
24 facility or ~~his~~ designee shall prepare, deliver a copy of, and read to the person being conditionally
25 discharged a written statement of the conditions of conditional discharge and a warning that
26 violation of those conditions may result in revocation of the conditional discharge pursuant to
27 RSA 135-C:51.

28 3 Effective Date. This act shall take effect January 1, 2014.