

HB 1618-FN – AS AMENDED BY THE HOUSE

19Mar2014... 0490h

2014 SESSION

14-2440  
05/08

HOUSE BILL            ***1618-FN***

AN ACT                relative to review hearings in involuntary admission cases.

SPONSORS:            Rep. Hoell, Merr 23

COMMITTEE:          Judiciary

---

AMENDED ANALYSIS

This bill permits a person who has been involuntarily committed to a treatment facility under RSA 135-C to request a review hearing every 2 years.

-----

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1618-FN – AS AMENDED BY THE HOUSE

19Mar2014... 0490h

14-2440  
05/08

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT                   relative to review hearings in involuntary admission cases.

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

1           1 Action for Discharge. Amend RSA 135-C:53 to read as follows:

2           135-C:53 Action for Discharge. Any person who has been involuntarily admitted to a receiving  
3 facility may file at the probate court of the county in which he ***or she*** was originally admitted, or  
4 where he ***or she*** resides, a petition setting forth his ***or her*** name, the underlying circumstances and  
5 date of the prior order of the court ordering his ***or her*** involuntary admission, a request for  
6 discharge from care and custody or admission to a receiving facility, and the reasons for such  
7 request. If the petition ~~[shall be]~~ ***is*** accompanied by the certificate of a psychiatrist stating that the  
8 patient is no longer in need of involuntary admission and setting forth the facts upon which such an  
9 opinion is based~~[- Upon receipt of the petition and the certificate],~~ the court shall conduct a hearing  
10 pursuant to RSA 135-C:34-54. ***If the petition is not accompanied by the certificate of a***  
11 ***psychiatrist, the court shall conduct a hearing pursuant to RSA 135-C:34-54 if 2 years have***  
12 ***passed since the last such hearing.***

13           2 Effective Date. This act shall take effect 60 days after its passage.

## HB 1618-FN FISCAL NOTE

AN ACT                   relative to an additional hearing for persons who meet the standard for involuntary admission to a mental health treatment facility.

### FISCAL IMPACT:

The Judicial Branch, and the Departments of Health and Human Services and Justice state this bill, **as introduced**, will increase state expenditures by an indeterminable amount in FY 2015 and each year thereafter. There will be no impact on state, county, and local revenue, or county and local expenditures.

### METHODOLOGY:

The Judicial Branch states this bill would enact RSA 135-C:53-a to allow for review hearings in involuntary admission cases in the probate division of the circuit court. Individuals found to have met the standard for involuntary admission to a mental health treatment facility would be allowed to request a hearing for redetermination after 14 days following the order for involuntary admission and again at six month intervals. The Branch indicates, since the review hearing applies the same standard as the initial determination, each review hearing would be the equivalent of the initial involuntary admissions process. The Branch states, on average, between 350 and 400 involuntary admission petitions are filed annually, and pursuant to RSA 135-C:46, the resulting orders can last for up to five years. The Branch states the estimated cost to the judicial branch of an average involuntary admissions case in the probate division of the circuit court will be \$181.32 in FY 2015, and \$185.29 in FY 2016. These amounts do not include the cost of potential appeals. The Branch indicates the cost figures for these cases are based on studies of judicial and clerical weighted caseload times for processing the average case and these studies are now more than eight years old. In addition, the Branch states changes that have occurred during this timeframe would impact the average processing times and costs.

The Department of Health and Human Services states this bill creates a new hearing to enable a person who has been committed for involuntary treatment under the standard in RSA 135-C:34 to later challenge that finding. The Department states, on average, 300 people per year are found by the probate court to be in such a mental condition as a result of mental illness as to create a serious likelihood of danger to themselves or others and are committed to involuntary treatment. The Department does not have information on which to estimate the

number of people who would avail themselves of the new hearing and cannot project the number of additional hearings.

The Department of Justice states this bill would provide any person who has been the subject of an involuntary emergency admission for psychiatric treatment an opportunity to request a rehearing after 14 days, and every six months thereafter, to determine if the person still meets the criteria for involuntary admission. The Department states it is involved in approximately 10 civil commitment proceedings per year. Currently there are approximately 30 individuals under civil commitment to New Hampshire Hospital or the Department of Corrections, Secure Psychiatric Unit, for which the Department was responsible. The Department states, if the bill were to pass, each individual could challenge the court order every six months for an indeterminate amount of time. The Department would likely appear on behalf of the State at each of those court proceedings. The Department states it cannot estimate how many committed individuals would challenge their committal orders or the frequency of those challenges in order to determine the fiscal impact. The Department assumes any additional work resulting from the bill would necessitate the addition of at least one additional attorney.