

HOUSE BILL No. 2240

By Committee on Judiciary

2-1

Proposed Amendments to HB 2240
Senate Judiciary
March 23, 2017
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Office of Revisor of Statutes

1 AN ACT concerning the care and treatment of certain persons; enacting
2 the crisis intervention act; amending K.S.A. 59-2953, 59-2980, 59-
3 29b53 and 59-29b80 and K.S.A. 2016 Supp. 39-2001, 39-2002, 39-
4 2003, 59-2978 and 59-29b78 and repealing the existing sections.

5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. The provisions of sections 1 through 14, and
8 amendments thereto, shall be known and may be cited as the crisis
9 intervention act.

10 New Sec. 2. When used in the crisis intervention act:

11 (a) "Behavioral health professional" includes a physician,
12 psychologist, qualified mental health professional or licensed addiction
13 counselor.

14 (b) "Head of a crisis intervention center" means the administrative
15 director of a crisis intervention center or a behavioral health professional
16 designated by such person.

17 (c) "Law enforcement officer" shall have the meaning ascribed to it in
18 K.S.A. 22-2202, and amendments thereto.

19 (d) "Licensed addiction counselor" shall have the meaning ascribed to
20 it in K.S.A. 59-29b46(d), (e) or (f), and amendments thereto.

21 (e) "Crisis intervention center" means any entity licensed by the
22 Kansas department for aging and disability services that is open 24 hours a
23 day, 365 days a year, equipped to serve voluntary and involuntary
24 individuals in crisis due to mental illness, substance abuse or a co-
25 occurring condition, and that uses certified peer specialists.

26 (f) "Crisis intervention center service area" means the counties to
27 which the crisis intervention center has agreed to provide service.

28 (g) "Physician" means a person licensed to practice medicine and
29 surgery as provided for in the Kansas healing arts act or a person who is
30 employed by a state psychiatric hospital or by an agency of the United
31 States and who is authorized by law to practice medicine and surgery
32 within such hospital or agency.

33 (h) "Psychologist" means a licensed psychologist, as defined by
34 K.S.A. 74-5302, and amendments thereto.

35 (i) "Qualified mental health professional" shall have the meaning
36 ascribed to it in K.S.A. 59-2946(j), and amendments thereto.

1 any restriction of a patient's rights shall be communicated to the patient in
 2 a timely manner.

3 (c) Any person willfully depriving any patient of the rights protected
 4 by this section, except for the restriction of such rights in accordance with
 5 the provisions of subsection (b) or in accordance with a properly obtained
 6 court order, shall be guilty of a class C misdemeanor.

7 New Sec. 13. Any district court records and any treatment records or
 8 medical records of any person who has been admitted to a crisis
 9 intervention center pursuant to this act that are in the possession of any
 10 district court or crisis intervention center treatment facility shall be
 11 privileged and shall be not disclosed except as provided under K.S.A. 59-
 12 2979, and amendments thereto.

13 New Sec. 14. Any person or law enforcement agency, governing
 14 body, crisis intervention center, community mental health center or
 15 personnel acting in good faith and without negligence shall be free from
 16 all liability, civil or criminal, that might arise out of acting or declining to
 17 act pursuant to the crisis intervention act. Any person who, for a corrupt
 18 consideration or advantage, or through malice, shall make or join in
 19 making or advise the making of any false petition, report or order provided
 20 for in the crisis intervention act, shall be guilty of a class A misdemeanor.

21 Sec. 15. K.S.A. 2016 Supp. 39-2001 is hereby amended to read as
 22 follows: 39-2001. The purpose of this act is the development,
 23 establishment and enforcement of standards:

24 (a) For the care, treatment, health, safety, welfare and comfort of
 25 individuals residing in or receiving treatment or services provided by
 26 residential care facilities, residential and day support facilities, private and
 27 public psychiatric hospitals, psychiatric residential treatment facilities,
 28 community mental health centers, *crisis intervention centers* and providers
 29 of other disability services licensed by the secretary for aging and
 30 disability services; and

31 (b) for the construction, maintenance or operation, or any
 32 combination thereof, of facilities, hospitals, centers and providers of
 33 services that will promote safe and adequate accommodation, care and
 34 treatment of such individuals.

35 Sec. 16. K.S.A. 2016 Supp. 39-2002 is hereby amended to read as
 36 follows: 39-2002. As used in this act, the following terms shall have the
 37 meanings ascribed to them in this section:

38 (a) "Center" means a community mental health center *or crisis*
 39 *intervention center*.

40 (b) "Community mental health center" means a center organized
 41 pursuant to article 40 of chapter 19 of the Kansas Statutes Annotated, and
 42 amendments thereto, or a mental health clinic organized pursuant to article
 43 2 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 15. (a) On or before January 1, 2018, the department for aging and disability services shall adopt rules and regulations requiring reporting of information from each crisis intervention center. The information required shall include, but not be limited to, the following:

- (1) The total number of people detained pursuant to the crisis intervention act:
 - (A) By law enforcement;
 - (B) by written application of an adult; and
 - (C) that were detained more than one time in the reporting period, including the total number of times each person was detained.
- (2) The total number of people released:
 - (A) Immediately following the evaluation by the behavioral health professional;
 - (B) between four and 24 hours after admission;
 - (C) between 24 and 48 hours after admission;
 - (D) between 48 and 72 hours after admission; and
 - (E) more than 72 hours after admission and before a commitment proceeding filed pursuant to K.S.A. 59-2957 or 59-29b57, and amendments thereto, was completed. This number shall include the total number of hours each person was detained if such person was detained for more than 72 hours.
- (3) The total number of people detained who were the subject of a commitment proceeding filed pursuant to K.S.A. 59-2957 or 59-29b57, and amendments thereto, who filed such petition and the result of such petition.
- (4) The total number of people detained who accessed peer supports during such detention.
- (5) The total number of serious injuries to or deaths of people detained pursuant to the crisis intervention act.
- (b) The department for aging and disability services shall prepare a report, beginning in 2019, that compiles the information reported by each crisis intervention center. The department shall provide such report to the governor and the standing committees on judiciary in the senate and the house of representatives annually, before the beginning of the regular legislative session. The department shall also publish such report on its website annually, before the beginning of the regular legislative session.

Redesignate sections accordingly