

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 487

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO MENTAL HEALTH COMMITMENT; AMENDING SECTION 66-327, IDAHO CODE,
2 TO REVISE PROVISIONS REGARDING RESPONSIBILITY FOR COSTS OF COMMITMENT
3 AND CARE OF PATIENTS AND TO REVISE A DEFINITION.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 66-327, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 66-327. RESPONSIBILITY FOR COSTS OF COMMITMENT AND CARE OF PA-
9 TIENTS. (a) All costs associated with the commitment proceedings, including
10 ~~usual and customary~~ fees of designated examiners, transportation costs and
11 all medical, psychiatric and hospital costs not included in subsection (b) ~~(c)~~
12 of this section, shall be the responsibility of the person subject to judi-
13 cial proceedings authorized by this chapter or such person's spouse, adult
14 children, or, if indigent, the county of such person's residence after all
15 personal, family and third party resources, including medical assistance
16 provided under the state plan for medicaid as authorized by title XIX of the
17 social security act, as amended, are considered. In proceedings authorized
18 by this chapter, the court shall consider the indigency of persons subject
19 to proceedings authorized by this chapter, in light of such person's income
20 and resources, and if such person is able to pay all or part of such costs,
21 the court shall order such person to pay all or any part of such costs. If the
22 court determines such person is unable to pay all or any part of such costs,
23 the court shall fix responsibility, in accordance with the provisions of
24 chapter 35, title 31, Idaho Code, for payment of such costs on the county of
25 such person's residence to the extent not paid by such person or not covered
26 by third party resources, including medical assistance as aforesaid. The
27 amount of payment by a county shall be the medicaid rate, or pursuant to the
28 provisions of any contract between a provider and an obligated county, or if
29 the facility providing the services is a freestanding mental health facil-
30 ity, then the reimbursement rate will be the medicaid rate, for a hospital
31 as defined by section 39-1301(a), Idaho Code, that provides services within
32 the nearest proximity of the mental health facility. Such costs fixed by the
33 court shall be based upon the time services were provided.

34 (b) An order of commitment pursuant to the provisions of this section
35 shall be sufficient to require the release of all pertinent information re-
36 lated to the committed person, to the court and obligated county, within the
37 restrictions of all applicable federal and state laws.

38 ~~(b)~~ (c) The department of health and welfare shall assume responsibility
39 for ~~usual and customary treatment~~ costs after the involuntary patient is
40 ~~dispositioned~~ committed to the custody of the state of Idaho, beginning on
41 the day after the director receives notice that a person has been commit-
42 ted into the custody of the department, until the involuntary patient is

1 discharged and after all personal, family and third party resources are con-
2 sidered in accordance with section 66-354, Idaho Code. The counties shall
3 be responsible for mental health costs as defined in subsection (a) of this
4 section if the individual is not transported within twenty-four (24) hours
5 of receiving written notice of admission availability to a state facility.
6 For purposes of this section, "~~usual and customary treatment costs~~" shall
7 include routine board, room and support services rendered at a facility of
8 the department of health and welfare; routine physical, medical, psycholog-
9 ical and psychiatric examination and testing; group and individual therapy,
10 psychiatric treatment, medication and medical care which can be provided
11 at a facility of the department of health and welfare. The term "~~usual and~~
12 ~~customary treatment costs~~" shall not include neurological evaluation, CAT
13 scan, surgery, medical treatment, any other item or service not provided
14 at a facility of the department of health and welfare, or witness fees and
15 expenses for court appearances. For the purposes of this section, the notice
16 to the department may be faxed or mailed.