

IN THE SENATE

SENATE BILL NO. 1139

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO HEALTH CARE; AMENDING CHAPTER 13, TITLE 39, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 39-1396, IDAHO CODE, TO PROVIDE THAT CERTAIN
3 HOSPITALS OR FACILITIES SHALL SPECIFY WHICH PERSONS MAY ADMIT PATIENTS
4 TO SUCH HOSPITALS OR FACILITIES OR TO SPECIFIC UNITS WITHIN SUCH HOS-
5 PITALS OR FACILITIES; AMENDING SECTION 66-318, IDAHO CODE, TO REVISE
6 PROVISIONS REGARDING AUTHORITY TO ADMIT VOLUNTARY PATIENTS IN FACIL-
7 ITIES FOR THE MENTALLY ILL; AMENDING SECTION 66-324, IDAHO CODE, TO
8 REVISE PROVISIONS REGARDING AUTHORITY TO RECEIVE INVOLUNTARY PATIENTS
9 IN FACILITIES FOR THE MENTALLY ILL; AND AMENDING SECTION 66-409, IDAHO
10 CODE, TO REVISE PROVISIONS REGARDING AUTHORITY TO ADMIT PERSONS INTO
11 FACILITIES FOR THE DEVELOPMENTALLY DISABLED.
12

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

14 SECTION 1. That Chapter 13, Title 39, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
16 ignated as Section 39-1396, Idaho Code, and to read as follows:

17 39-1396. AUTHORITY TO ADMIT PATIENTS. A hospital or facility licensed
18 pursuant to this chapter shall specify in its bylaws or in a written policy
19 which persons may admit patients to the hospital or facility or to specific
20 units within the hospital or facility. Such persons may include, but are not
21 limited to, physicians, physician assistants and advanced practice nurses.

22 SECTION 2. That Section 66-318, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 66-318. AUTHORITY TO ADMIT VOLUNTARY PATIENTS -- DENIAL OF ADMIS-
25 SION. (1) The director of any facility or other persons specified in the
26 bylaws or a written policy of the facility, which persons may include, but
27 are not limited to, physicians, physician assistants or advanced practice
28 nurses, may admit as a voluntary patient the following persons for observa-
29 tion, diagnosis, evaluation, care or treatment of mental illness:

30 (a) Any person who is eighteen (18) years of age or older;

31 (b) Any individual fourteen (14) to eighteen (18) years of age who may
32 apply to be admitted for observation, diagnosis, evaluation, care or
33 treatment and the facility director will notify the parent, parents or
34 guardian of the individual of the admission; a parent or guardian may
35 apply for the individual's release and the facility director will re-
36 lease the patient within three (3) days, excluding Saturdays, Sundays
37 and legal holidays, of the application for discharge, unless the time
38 period for diagnosis, evaluation, care or treatment is extended pur-
39 suant to section 66-320, Idaho Code;

40 (c) Any emancipated minor;

1 (d) Any individual under fourteen (14) years of age upon application of
 2 the individual's parent or guardian, provided that admission to an in-
 3 patient facility shall require a recommendation for admission by a des-
 4 ignated examiner;

5 (e) Any individual who lacks capacity to make informed decisions about
 6 treatment upon application of the individual's guardian; provided that
 7 admission to an inpatient facility shall require a recommendation for
 8 admission by a designated examiner; or

9 (f) Any individual confined for examination pursuant to section 18-211
 10 or 20-520, Idaho Code.

11 (2) The director of any facility or other persons authorized to admit
 12 patients to the facility must refuse admission to any applicant under this
 13 section whenever:

14 (a) The applicant is determined not to be in need of observation, diag-
 15 nosis, evaluation, care or treatment at the facility;

16 (b) The applicant is determined to lack capacity to make informed deci-
 17 sions about treatment unless the application is made by a guardian with
 18 authority to consent to treatment; or

19 (c) The applicant's welfare or the welfare of society, or both, are bet-
 20 ter protected by the provisions of section 66-329, Idaho Code.

21 SECTION 3. That Section 66-324, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 66-324. AUTHORITY TO RECEIVE INVOLUNTARY PATIENTS. The director of
 24 any facility, or another person permitted by the bylaws or a written policy
 25 of the facility to admit patients to such facility, is authorized to receive
 26 ~~therein~~ in the facility for observation, diagnosis, evaluation, care or
 27 treatment any individual:

28 (1) Committed to the department director pursuant to section 16-1619,
 29 20-520, 18-212 or 66-329, Idaho Code;

30 (2) Transferred pursuant to section 66-1201, Idaho Code; or

31 (3) Detained or transferred pursuant to section 66-326, Idaho Code.

32 SECTION 4. That Section 66-409, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 66-409. AUTHORITY TO ADMIT DEVELOPMENTALLY DISABLED PERSONS. The head
 35 of any facility licensed under state law, or another person permitted by the
 36 bylaws or a written policy of such facility to admit persons to the facility,
 37 is authorized to admit for observation, diagnosis, care or treatment any de-
 38 velopmentally disabled person for services provided by that facility.