

IN THE SENATE

SENATE BILL NO. 1247

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO HEALTH; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW
2 CHAPTER 19, TITLE 56, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO
3 DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING EMERGENCY PROTECTIVE
4 PLACEMENT OF PERSONS WITH A MAJOR NEUROCOGNITIVE DISORDER, AND TO RE-
5 QUIRE REPORTING OF INSTANCES OF EMERGENCY PROTECTIVE PLACEMENT; AND
6 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
7

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

9 SECTION 1. That Title 56, Idaho Code, be, and the same is hereby amended
10 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
11 ter 19, Title 56, Idaho Code, and to read as follows:

12 CHAPTER 19

13 CRISIS RESPONSE FOR PERSONS WITH A MAJOR NEUROCOGNITIVE DISORDER

14 56-1901. LEGISLATIVE INTENT. It is the intent of the legislature that
15 persons with a major neurocognitive disorder who are in acute crisis due to
16 an unidentified underlying medical condition can get the care they need and
17 return home once the underlying medical condition is resolved. The legisla-
18 ture further intends that state agencies and community partners will collab-
19 orate to provide the most dignified care for persons with a major neurocogni-
20 tive disorder.

21 56-1902. DEFINITIONS. As used in this chapter:

22 (1) "Department" means the state department of health and welfare.

23 (2) "Emergency protective placement" means the placement of a person
24 in a hospital by a peace officer or health care provider pursuant to section
25 56-1903, Idaho Code.

26 (3) "Health care provider" means a person licensed, certified, or
27 otherwise authorized by law to administer health care services in the ordi-
28 nary course of business or practice of a profession, including a physician,
29 physician assistant, and advanced practice registered nurse.

30 (4) "Health care services" means services for the diagnosis, preven-
31 tion, treatment, cure, or relief of a health condition, illness, injury, or
32 disease.

33 (5) "Hospital" means a medical hospital as defined in section 39-1301,
34 Idaho Code, including freestanding emergency departments.

35 (6) "Likely to injure themselves or others" means:

36 (a) A substantial risk that serious physical harm will be inflicted by
37 the person upon their own person, as evidenced by threats of suicide or
38 threats to inflict serious physical harm on themselves;

39 (b) A substantial risk that serious physical harm will be inflicted by
40 the person upon another as evidenced by behavior that has caused such

1 harm or that places another person or persons in reasonable fear of sus-
2 taining such harm; or

3 (c) The person lacks insight into their need for treatment and is un-
4 able or unwilling to comply with treatment based on their medical his-
5 tory, clinical observation, or other clinical evidence, and if they do
6 not receive and comply with treatment, there is a substantial risk that
7 they will continue to physically, emotionally, or cognitively deterio-
8 rate to the point that they will, in the reasonably near future, inflict
9 serious physical harm on themselves or another person.

10 (7) "Major neurocognitive disorder" means a condition causing or re-
11 sulting in the loss or dysfunction of brain cells to the extent that the per-
12 son suffering from the condition is substantially impaired, which restricts
13 or limits the person's ability to provide for the person's own care and cus-
14 tody or to manage the person's property or financial affairs.

15 (8) "Peace officer" means an employee of a law enforcement agency that
16 is a part of or administered by the state or any political subdivision of the
17 state and whose duties include and primarily consist of the prevention and
18 detection of crime and the enforcement of penal, traffic, or highway laws of
19 the state or any political subdivision of the state. "Peace officer" also
20 means an employee of a police or law enforcement agency of a federally recog-
21 nized Indian tribe who has satisfactorily completed the peace officer stan-
22 dards and training academy and has been deputized by a sheriff of a county or
23 a chief of police of a city of the state of Idaho.

24 (9) "Protective custody" means when a peace officer detains a person
25 and takes such person to a hospital. The peace officer shall make every rea-
26 sonable effort to protect the person's health and safety while the peace of-
27 ficer takes reasonable steps to protect the peace officer's safety. Protec-
28 tive custody under this section is not an arrest.

29 56-1903. EMERGENCY PROTECTIVE PLACEMENT. (1) A peace officer may take
30 a person into protective custody and shall use the least restrictive means
31 necessary to immediately transport and place such person in a hospital, or
32 the person may be detained by a health care provider at a hospital as de-
33 fined in section 56-1902(5), Idaho Code, for medical assessment and treat-
34 ment, if the peace officer or health care provider has reason to believe that
35 such person has a major neurocognitive disorder and is likely to injure them-
36 selves or others as defined in section 56-1902(6), Idaho Code.

37 (2) Whenever a person is taken into custody and placed in a hospital un-
38 der this chapter, if a peace officer made the emergency protective place-
39 ment pursuant to subsection (1) of this section, such officer shall prepare
40 a written statement providing the basis for the emergency protective place-
41 ment, and the statement shall be placed in the person's medical record.

42 (3) The department shall prepare and make available a form for the writ-
43 ten statement, which may be utilized by peace officers.

44 (4) An emergency protective placement shall last no longer than twenty-
45 four (24) hours after arrival at a hospital.

46 56-1904. DUTY TO REPORT INSTANCES OF EMERGENCY PROTECTIVE PLACE-
47 MENT. (1) Hospitals to which persons are placed in emergency protective
48 placement pursuant to section 56-1903, Idaho Code, shall report such

1 placements to the department every quarter. Reports shall be due to the
2 department on the last day of the month immediately following the end of the
3 quarter, with the first report due October 31, 2024.

4 (2) Any and all patient information submitted as a part of a report re-
5 quired under this section shall be protected and de-identified according to
6 state and federal privacy laws.

7 (3) The hospital shall report:

8 (a) The number of emergency protective placements that were placed at a
9 hospital by a health care provider;

10 (b) The number of emergency protective placements that were placed at a
11 hospital by a peace officer;

12 (c) The number of emergency protective placements that were made for
13 persons determined to have an underlying medical reason for placement
14 in the hospital other than a neurocognitive disorder;

15 (d) The number of emergency protective placements that were made for
16 persons who did not have a neurocognitive disorder;

17 (e) For emergency protective placements made for persons who did not
18 have a medical reason for placement in the hospital other than a neu-
19 rocognitive disorder, how many had a length of stay after the emergency
20 protective placement ended at the hospital that was between:

21 (i) Zero (0) and five (5) days;

22 (ii) Six (6) and ten (10) days;

23 (iii) Eleven (11) and thirty (30) days;

24 (iv) Thirty-one (31) and sixty (60) days;

25 (v) Sixty-one (61) and ninety (90) days; and

26 (vi) Over ninety (90) days; and

27 (f) For emergency protective placements made for persons who had a med-
28 ical reason for placement in the hospital other than a neurocognitive
29 disorder, how many had a length of stay after the emergency protective
30 placement ended at the hospital that was between:

31 (i) Zero (0) and five (5) days;

32 (ii) Six (6) and ten (10) days;

33 (iii) Eleven (11) and thirty (30) days;

34 (iv) Thirty-one (31) and sixty (60) days;

35 (v) Sixty-one (61) and ninety (90) days; and

36 (vi) Over ninety (90) days.

37 (4) The department shall include a summary of all reports made pursuant
38 to subsection (1) of this section in the annual report on Alzheimer's disease
39 and related dementias as required in section 39-2701, Idaho Code.

40 SECTION 2. An emergency existing therefor, which emergency is hereby
41 declared to exist, this act shall be in full force and effect on and after
42 July 1, 2024.