
DIGEST

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HB 301 Reengrossed

2015 Regular Session

Dove

Abstract: Increases the maximum period of initial treatment and subsequent treatment for court-ordered outpatient mental health treatment.

Present law authorizes a court to order a patient to obtain civil involuntary outpatient treatment if all of the following conditions apply:

- (1) The patient is 18 years of age or older.
- (2) The patient is suffering from a mental illness.
- (3) The patient is unlikely to survive safely in the community without supervision, based on a clinical determination.
- (4) The patient has a history of lack of compliance with treatment for mental illness that has resulted in either of the following:
 - (a) At least twice within the last 36 months, the lack of compliance with treatment for mental illness has been a significant factor resulting in an emergency certificate for hospitalization, or receipt of services in a forensic or other mental health unit of a correctional facility or a local correctional facility, not including any period during which the person was hospitalized or incarcerated immediately preceding the filing of the petition.
 - (b) One or more acts of serious violent behavior toward self or others or threats of, or attempts of, serious physical harm to self or others within the last 36 months as a result of mental illness, not including any period in which the person was hospitalized or incarcerated immediately preceding the filing of the petition.
- (5) The patient is, as a result of his mental illness, unlikely to voluntarily participate in the recommended treatment pursuant to the treatment plan.
- (6) In view of the treatment history and current behavior of the patient, the patient is in need of involuntary outpatient treatment to prevent a relapse or deterioration which would be likely to result in the patient becoming dangerous to self or others.
- (7) It is likely that the patient will benefit from involuntary outpatient treatment.

Present law authorizes a court to order that the patient receive involuntary outpatient treatment for an initial period not to exceed six months if the court finds by clear and convincing evidence that the patient meets the criteria for involuntary outpatient treatment and no less restrictive alternative is feasible.

Proposed law increases the maximum period of initial treatment from six months to one year.

Present law provides that if a patient has been ordered to receive outpatient treatment for four consecutive 180-day periods, the period of any subsequent order may exceed 180 days but shall not exceed one year.

Proposed law provides that if a patient has been ordered to receive outpatient treatment for four consecutive six-month to one-year periods, the period of any subsequent order may exceed one year but shall not exceed two years.

(Amends R.S. 28:71(B) and 72(A))