

HOUSE BILL No. 2308

By Representative Houser

2-8

1 AN ACT concerning **{behavioral healthcare; relating to treatment;**  
2 **admission to facilities that proved behavioral healthcare services;}**  
3 suicide evaluation upon admission to certain treatment-~~of~~ facilities; **ex**  
4 **parte emergency custody orders; amending K.S.A. 59-2958 and**  
5 **repealing the existing section}.**  
6

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

8 **{New}** Section 1. (a) At the time of **inpatient** admission to a  
9 treatment facility, ~~a~~ **the admitted** patient shall be evaluated as to whether  
10 the patient is at risk to ~~commit~~ **commit{attempt}** suicide. The staff  
11 person conducting the evaluation shall be knowledgeable about suicide  
12 risk management. If after such evaluation the patient is found to be at risk  
13 to ~~commit~~ **commit{attempt}** suicide, the treatment facility shall provide the level  
14 of patient monitoring and assistance as is indicated by the level of risk to  
15 the patient.

16 (b) "Treatment facility" means ~~any public or private facility or~~  
17 ~~institution providing inpatient mental health, drug or alcohol treatment or~~  
18 ~~counseling;~~

19 (1) Any private or public treatment facility, as such terms are  
20 defined in K.S.A. 59-29b46, and amendments thereto;

21 (2) any community mental health center organized pursuant to  
22 the provisions of K.S.A. 19-4001 et seq., and amendments thereto, and  
23 licensed pursuant to K.S.A. 2017 Supp. 39-2001 et seq., and  
24 amendments thereto;

25 (3) any mental health clinic organized pursuant to the provisions  
26 of K.S.A. 65-211 et seq., and amendments thereto, and licensed  
27 pursuant to K.S.A. 2017 Supp. 39-2001 et seq., and amendments  
28 thereto;

29 (4) any crisis intervention center, as such term is defined in  
30 K.S.A. 59-29c02, and amendments thereto;

31 (5) any psychiatric hospital, psychiatric residential treatment  
32 facility or residential care facility, as such terms are defined in K.S.A.  
33 2017 Supp. 39-2002, and amendments thereto;

34 (6) any hospital, as such term is defined in K.S.A. 65-425, and

1 amendments thereto, that operates a psychiatric unit; or

2 (7) Osawatomic state hospital or Larned state hospital.

3 (c) This section shall be known and may be cited ~~at Gordon's~~ as  
4 Gordy's gift.

5 {Sec. 2. K.S.A. 59-2958 is hereby amended to read as follows: 59-  
6 2958. (a) At the time the petition for the determination of whether a  
7 person is a mentally ill person subject to involuntary commitment for  
8 care and treatment under this act is filed, or any time thereafter prior  
9 to the trial upon the petition as provided for in K.S.A. 59-2965 and  
10 amendments thereto, the petitioner may request in writing that the  
11 district court issue an ex parte emergency order including either or  
12 both of the following: (1) An order directing any law enforcement  
13 officer to take the person named in the order into custody and  
14 transport the person to a designated treatment facility or other  
15 suitable place willing to receive and detain the person; (2) an order  
16 authorizing any named treatment facility or other place to detain or  
17 continue to detain the person until the further order of the court or  
18 until the ex parte emergency custody order shall expire.

19 (b) No ex parte emergency custody order shall provide for the  
20 detention of any person at a state psychiatric hospital unless a written  
21 statement from a qualified mental health professional authorizing  
22 such admission and detention at a state psychiatric hospital has been  
23 filed with the court.

24 (c) No ex parte emergency custody order shall provide for the  
25 detention of any person in a nonmedical facility used for the detention  
26 of persons charged with or convicted of a crime.

27 (d) If no other suitable facility at which such person may be  
28 detained is willing to accept the person, then the participating mental  
29 health center for that area shall provide a suitable place to detain the  
30 person until the further order of the court or until the ex parte  
31 emergency custody order shall expire.

32 (e) An ex parte emergency custody order issued under this section  
33 shall expire at 5:00 p.m. of the second day the district court is open for  
34 the transaction of business after the date of its issuance, which  
35 expiration date shall be stated in the order.

36 (f) The district court shall ~~not~~ issue successive ex parte emergency  
37 custody orders *only when the district court has received notice pursuant*  
38 *to K.S.A. 59-2968, and amendments thereto, that the state psychiatric*  
39 *hospital is not admitting patients, and the person subject to the ex parte*  
40 *emergency custody order has been placed on a waiting list by such state*  
41 *psychiatric hospital.*

42 (g) In lieu of issuing an ex parte emergency custody order, the  
43 court may allow the person with respect to whom the request was

1 **made to remain at liberty, subject to such conditions as the court may**  
2 **impose.**

3 **Sec. 3. K.S.A. 59-2958 is hereby repealed.}**

4 ~~Sec. 2. {4.}~~ This act shall take effect and be in force from and after its  
5 publication in the statute book.