

AMENDMENTS TO HOUSE BILL NO. 1233

Sponsor: SENATOR BAKER

Printer's No. 2083

1 Amend Bill, page 1, line 7, by striking out "and" and
2 inserting a comma

3 Amend Bill, page 1, line 8, by inserting after "plan"
4 , and assisted outpatient treatment implementation by counties

5 Amend Bill, page 2, line 15, by striking out all of said line
6 and inserting

7 may include one or more of the following services:

8 Amend Bill, page 3, lines 9 through 22, by striking out "A
9 physician, licensed" in line 9 and all of lines 10 through 22
10 and inserting

11 A mental health professional who:

12 (1) has a graduate degree, or the international equivalent,
13 from an institution accredited or evaluated by an organization
14 recognized by the department in a generally recognized clinical
15 discipline that includes mental health clinical experience;

16 (2) has mental health clinical experience; and

17 (3) is licensed or certified by the Commonwealth.

18 Amend Bill, page 4, line 4, by inserting after "by"

19 a qualified professional or

20 Amend Bill, page 4, line 6, by inserting after "person."

21 The treatment plan shall be reviewed and approved by a
22 psychiatrist or a licensed clinical psychologist prior to
23 submission to the court.

24 Amend Bill, page 4, by inserting between lines 19 and 20

25 (c) In the development and approval of an individualized
26 treatment plan, nothing in this subsection shall be construed to
27 require a county to include in a person's individual treatment
28 plan for assisted outpatient treatment a service that is not

1 available in that county or for which no funding source or
2 provider is available to pay for or render the service.

3 Section 4. The act is amended by adding a section to read:

4 Section 117. Assisted Outpatient Treatment Implementation by
5 Counties.--(a) (1) The county administrator of any county may
6 determine annually that the county mental health and
7 intellectual disabilities program will not provide assisted
8 outpatient treatment pursuant to section 301(c). The county
9 administrator making the determination shall:

10 (i) provide notice to the Secretary of Health that the
11 county program will not provide assisted outpatient treatment in
12 accordance with section 301(c); and

13 (ii) notify the county local authority of the decision not
14 to offer assisted outpatient treatment in accordance with
15 section 301(c).

16 (2) The notification to the Secretary of Health under
17 paragraph (1) shall be submitted annually in a form determined
18 by the Secretary of Health.

19 (b) The Secretary of Health shall grant an annual waiver to
20 any county that has notified the Secretary of Health under
21 subsection (a) of the county's decision not to offer assisted
22 outpatient services pursuant to section 301(c).

23 (c) Nothing in this section shall be construed as permitting
24 a county or the Secretary of Health to waive existing
25 obligations of a county to serve seriously mentally ill
26 residents in accordance with all other applicable provisions of
27 law and regulation.

28 Amend Bill, page 4, line 20, by striking out "4" and
29 inserting

30 5

31 Amend Bill, page 5, line 17, by striking out "At least twice
32 within" and inserting

33 Within

34 Amend Bill, page 5, line 17, by striking out "36" and
35 inserting

36 12

37 Amend Bill, page 5, line 22, by striking out "36-month" and
38 inserting

39 12-month

40 Amend Bill, page 5, line 25, by striking out "36-month" and
41 inserting

1 12-month

2 Amend Bill, page 6, line 7, by striking out the period after
3 "treatment" and inserting

4 and the person previously has been offered voluntary
5 treatment services but has not accepted or has refused to
6 participate on a sustained basis in voluntary treatment,
7 provided that voluntary agreement to enter into services by a
8 person during the pendency of a petition for assisted outpatient
9 treatment shall not preclude the court from ordering assisted
10 outpatient treatment for that person if reasonable evidence
11 exists to believe that the person is unlikely to make a
12 voluntary sustained commitment to and remain in a treatment
13 program.

14 Amend Bill, page 6, line 17, by striking out "5" and
15 inserting

16 6

17 Amend Bill, page 7, line 13, by striking out "6" and
18 inserting

19 7

20 Amend Bill, page 10, lines 28 through 30; page 11, lines 1
21 through 7; by striking out "ANY QUALIFIED" in line 28, all of
22 lines 29 and 30 on page 10 and all of lines 1 through 7 on page
23 11 and inserting

24 :

25 (i) a qualified professional who is appointed by the court
26 and is not a psychiatrist or licensed clinical psychologist,
27 shall be selected from a panel of qualified professionals
28 specifically designated by the county administrator for the
29 qualified professional's demonstrated expertise and ability to
30 conduct court-ordered examinations for assisted outpatient
31 treatment consistent with the qualified professional's scope of
32 practice;

33 (ii) the examination shall be conducted on an outpatient
34 basis and the person shall have the right to have counsel
35 present;

36 (iii) the written report prepared by the qualified
37 professional under subclause (i) shall be reviewed and approved
38 by a psychiatrist or a licensed clinical psychologist prior to
39 submission to the court; and

40 (iv) the written report on the results of the examination
41 shall be given to the court and counsel at least 48 hours prior
42 to the hearing.

1 Amend Bill, page 12, lines 8 and 9, by striking out
2 "qualified professional" and inserting
3 treatment team
4 Amend Bill, page 12, line 15, by striking out "qualified
5 professional" and inserting
6 treatment team
7 Amend Bill, page 13, line 3, by striking out "qualified
8 professional" and inserting
9 treatment team
10 Amend Bill, page 13, line 3, by striking out "it" and
11 inserting
12 the prescribing physician's order
13 Amend Bill, page 13, lines 5 and 6, by striking out "and
14 shall specify type and dosage range of medication"
15 Amend Bill, page 15, line 6, by inserting after "judgment"
16 and under supervision of the prescribing physician
17 Amend Bill, page 18, line 1, by striking out "7" and
18 inserting
19 8
20 Amend Bill, page 18, line 13, by striking out "8" and
21 inserting
22 9
23 Amend Bill, page 18, line 13, by striking out "90" and
24 inserting
25 180