

AN ACT

ENTITLED, An Act to revise certain provisions regarding the review of necessity of treatment for court-ordered administration of psychotropic medication.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 27A-12-3.16 be amended to read as follows:

27A-12-3.16. The court may authorize the administration of psychotropic medication for not more than one year. The court's order shall terminate if the person is judicially restored as competent to consent to or refuse the administration of psychotropic medication or if the person's treating physician or the medical director of the facility or, if the facility does not have a medical director, a consulting psychiatrist determines that the administration of psychotropic medication is no longer necessary under the criteria set forth in § 27A-12-3.13. Transfer from inpatient to outpatient treatment while the person is under an order of involuntary commitment does not, in itself, terminate the court's order. The necessity of treatment with psychotropic medication shall be reviewed and approved under the criteria in § 27A-12-3.13 at least every thirty days by the treating physician and the medical director of the facility or, if the facility does not have a medical director, a consulting psychiatrist after a personal examination of the person. If the consulting psychiatrist was the person's treating physician while the person was a patient at the Human Services Center, a personal examination need not take place as part of the review. If the treating physician or the medical director or consulting psychiatrist determines that the medication is no longer necessary under the criteria in § 27A-12-3.13, the court's order shall terminate. A copy of the results of the personal examination and the determinations of the treating physician and the medical director or consulting psychiatrist shall be made part of the person's medical records.

Section 2. That § 27A-12-3.13 be amended to read as follows:

27A-12-3.13. The administrator or attending psychiatrist or facility director may petition the circuit court for the authority to administer psychotropic medication to an involuntarily committed

patient if, after a personal examination, the person's treating physician and the medical director or attending psychiatrist believe psychotropic medication will be medically beneficial to the person and is necessary because:

- (1) The person presents a danger to himself or others;
- (2) The person cannot improve or his condition may deteriorate without the medication; or
- (3) The person may improve without the medication but only at a significantly slower rate.

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I certify that the attached Act
originated in the

SENATE as Bill No. 54

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 54
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

19____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 19____

Governor
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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 19____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State