

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0242

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **SB54** -
3/1/99

Introduced by: The Committee on Health and Human Services at the request of the Department
of Human Services

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

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

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

5 27A-12-3.16. The court may authorize the administration of psychotropic medication for not
6 more than one year. The court's order shall terminate if the person is judicially restored as
7 competent to consent to or refuse the administration of psychotropic medication or if the
8 person's treating physician or the medical director of the facility or, if the facility does not have
9 a medical director, a consulting psychiatrist determines that the administration of psychotropic
10 medication is no longer necessary under the criteria set forth in § 27A-12-3.13. Transfer from
11 inpatient to outpatient treatment while the person is under an order of involuntary commitment
12 does not, in itself, terminate the court's order. The necessity of treatment with psychotropic
13 medication shall be reviewed and approved under the criteria in § 27A-12-3.13 at least every
14 thirty days by the treating physician and the medical director of the facility or, if the facility does
15 not have a medical director, a consulting psychiatrist after a personal examination of the person.

1 If the consulting psychiatrist was the person's treating physician while the person was a patient
2 at the Human Services Center, a personal examination need not take place as part of the review.

3 If the treating physician or the medical director or consulting psychiatrist determines that the
4 medication is no longer necessary under the criteria in § 27A-12-3.13, the court's order shall
5 terminate. A copy of the results of the personal examination and the determinations of the
6 treating physician and the medical director or consulting psychiatrist shall be made part of the
7 person's medical records.

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

9 27A-12-3.13. The administrator or attending psychiatrist or facility director may petition the
10 circuit court for the authority to administer psychotropic medication to an involuntarily
11 committed patient if, ~~in the opinion of~~ after a personal examination, the ~~administrator or facility~~
12 ~~director~~ person's treating physician and the medical director or attending psychiatrist ~~and the~~
13 ~~person's treating physician~~, believe psychotropic medication will be medically beneficial to the
14 person and is necessary because:

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

1 **BILL HISTORY**

2 1/12/99 First read in Senate and referred to Health and Human Services. S.J. 25

3 1/16/99 Scheduled for Committee hearing on this date.

4 1/16/99 Health and Human Services Do Pass, Passed, AYES 5, NAYS 2. S.J. 60

5 1/19/99 Senate Do Pass, Passed, AYES 20, NAYS 13. S.J. 121

6 1/20/99 First read in House and referred to Health and Human Services. H.J. 101

7 2/17/99 Scheduled for Committee hearing on this date.

8 2/19/99 Scheduled for Committee hearing on this date.

9 2/19/99 Health and Human Services Do Pass, Passed, AYES 10, NAYS 1. H.J. 632

10 2/22/99 House of Representatives Deferred to another day. H.J. 692

11 2/23/99 House of Representatives Deferred to another day. H.J. 725

12 2/24/99 Referred to Health and Human Services. H.J. 751

13 2/26/99 Scheduled for Committee hearing on this date.

14 2/26/99 Health and Human Services Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 796

15 2/26/99 Health and Human Services Place on Consent Calendar.