

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0242

SENATE BILL NO. 54

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.
16 If the consulting psychiatrist was the person's treating physician while the person was a patient

1 at the Human Services Center, a personal examination need not take place as part of the review.
2 If the treating physician or the medical director or consulting psychiatrist determines that the
3 medication is no longer necessary under the criteria in § 27A-12-3.13, the court's order shall
4 terminate. A copy of the results of the personal examination and the determinations of the
5 treating physician and the medical director or consulting psychiatrist shall be made part of the
6 person's medical records.