

# Senate Health and Human Services Committee

*Kyle Baker 271-2609*

**HB 208**, establishing a commission to study current mental health procedures for involuntary commitment.

**Hearing Date:** March 28, 2017

**Time Opened:** 1:00p.m.

**Time Closed:** 1:30 p.m.

**Members of the Committee Present:** Senators Bradley, Avard and Gray

**Members of the Committee Absent :** Senators Fuller Clark and Hennessey

**Bill Analysis:** This bill establishes a commission to study current mental health procedures for involuntary commitment.

**Sponsors:**

Rep. Snow

Rep. J. MacKay

Rep. LeBrun

Rep. M. MacKay

Sen. Feltes

Sen. D'Allesandro

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**Who supports the bill:** Darryl Perry, Liberty Lobby LLC; Rep. Joe Guthrie, Rock 13; Joan Widner, NH Nurses Association; Ken Norton, NAMI NH; Rep. Jim MacKay; Alex de Nesnera, DHHS,NHH; Paula Mattis, Dept. of Correction; Michael Skibbie, Disability Rights Center; Holly Stevens, New Futures; Susan Paschell, NH Community Behavioral Health Association; Howard Zibel, Judicial Branch; Mary Bidgood Wilson, NH APRN Association; Rebecca Farver, NHH

**Who opposes the bill:** None

**Who is neutral on the bill:** None

**Summary of testimony presented in support:**

**Representative Jim MacKay – Merr. 14**

- There are serious problems with patients being held up in Hospital ER rooms rather than being transported to NH Hospital.
- NH Hospital runs at full capacity every day and the number of people waiting for a spot is growing.
- The law states that when an individual is to be sent to NH Hospital for treatment they are supposed to be sent there immediately.
- This bill would begin the discussion on some of the ways we can fix this problem.

- There are many people and organizations that would like to be on the commission and there are 4 or 5 different things that the commission should look at so subcommittees could be useful.
- Some of the areas to look at would be:
  - o Whether or not the children's unit should remain at NH Hospital.
  - o How to make the secure psychiatric unit more successful.
  - o Addressing the specific issues raised by the Mental Health lawsuit the state was involved in.
  - o Mobile Mental Health Crisis Units in all counties.
- There is an endless list of improvements that could be made and this commission would allow the interested parties to try and come up with plan moving forward.

**Joan Wagner – NH Nurses Association**

- The IEA Process is in serious jeopardy because we do not meet the requirements for getting patients to NH Hospital.
- Patients are staying the emergency rooms way to long and long ER wait times hurt patients.
- Patients are not getting psychiatric care when they wait in ERs and are often left to wait in a small room with only a mattress and a TV.

**Ken Norton – NAMI NH**

- Supports the commission because it is very unfortunate that NH is in a state where people are being boarded in ERs waiting for appropriate care.
- Current boarding policies are wrong medically because people are not being treated when they are stuck in the ER.
- Current boarding practices are wrong legally because the law states that they shall be transported to NH Hospital immediately. The law also states that a patient is eligible for a hearing in 72 hours and people are being kept in emergency rooms against their will for weeks without due process.
- We do not want people to be released on a technicality but we also do not want people being denied their civil rights.
- Also supports the part of the bill dealing with the transport of patients between NH Hospital and the Secure Psychiatric Unit.

**Alex DeNesnera – NH Hospital**

- Here is full support of the bill.
- NH Hospital would be happy to be part of the commission and work to find answers to this issue.
- Need to ensure that we are providing the treatment necessary for our states most vulnerable population.

**Paula Mattis – Department of Corrections**

- Here to discuss the secure psychiatric unit.
- Look forward to serving on the commissions to collaborate and come up with solutions to this problem.

**Mike Skibbie – Disability Rights Center**

- Not taking a position on the commission but supports the merits.
- Would like to act in a consulting role for the commission but would like to not be formally on the commission.

**Sen. Bradley** – Any suggestions on an appropriate group to replace your group.

**Skibbie** – Maybe Legal Assistance? Will get back to the committee.

**Holly Stevens – New Futures**

- This is an important commission for our state.
- Would like to be on the commission.

**Howie Zibbel – Judicial Branch**

- Supports the bill but does not support three members of the Judicial Branch on the commission.
- Would specifically like the removal of the member representing the probate court system.

**Summary of testimony presented in opposition:** None

**Neutral Information Presented:** None

**Future Action:** Ought to Pass with Amendment

KRB

Date Hearing Report completed: March 30, 2017