

**CHAPTER 162**  
**HB 208 - FINAL VERSION**

16Feb2017... 0203h  
04/06/2017 1220s

2017 SESSION

17-0167  
01/04

HOUSE BILL                    ***208***

AN ACT                    establishing a commission to study current mental health procedures for involuntary commitment.

SPONSORS:                Rep. Snow, Hills. 42; Rep. J. MacKay, Merr. 14; Rep. LeBrun, Hills. 32; Rep. M. MacKay, Hills. 30; Sen. Feltes, Dist 15; Sen. D'Allesandro, Dist 20

COMMITTEE:              Health, Human Services and Elderly Affairs

---

ANALYSIS

      This bill establishes a commission to study current mental health procedures for involuntary commitment.

-----

Explanation:            Matter added to current law appears in ***bold italics***.  
                              Matter removed from current law appears ~~[in brackets and struck through.]~~  
                              Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

**CHAPTER 162**  
**HB 208 - FINAL VERSION**

16Feb2017... 0203h  
04/06/2017 1220s

17-0167  
01/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT                establishing a commission to study current mental health procedures for involuntary commitment.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            162:1 New Section; Commission to Study Current Mental Health Procedures for Involuntary  
2 Commitment Established. Amend RSA 135-C by inserting after section 63-b the following new  
3 section:

4            135-C:63-c    Commission to Study Current Mental Health Procedures for Involuntary  
5 Commitment.

6            I.(a) There is established a commission to study mental health procedures for involuntary  
7 commitment. The members of the commission shall be as follows:

8                        (1) Three members of the house of representatives, appointed by the speaker of the  
9 house of representatives.

10                       (2) One member of the senate, appointed by the president of the senate.

11                       (3) The commissioner of the department of health and human services, or designee.

12                       (4) The commissioner of the department of corrections, or designee.

13                       (5) The attorney general, or designee.

14                       (6) The chief executive officer of the New Hampshire hospital, or designee.

15                       (7) A representative of the New Hampshire Community Behavioral Health  
16 Association, appointed by the association.

17                       (8) A representative of the National Alliance on Mental Illness New Hampshire,  
18 appointed by such agency.

19                       (9) A representative of the New Hampshire Psychiatric Society, appointed by the  
20 society.

21                       (10) The executive director of New Futures, or designee.

22                       (11) A representative of the Campaign to Change Direction New Hampshire,  
23 appointed by the campaign.

24                       (12) The chief justice of the superior court, or designee.

25                       (13) The administrative justice of the circuit court, or designee.

26                       (14) A public member, appointed by the governor.

27                       (15) A family member of a person who was held in an emergency room awaiting  
28 transfer to a designated receiving facility, appointed by the governor.

29                       (16) An advanced practice registered nurse, appointed by the New Hampshire

**CHAPTER 162**  
**HB 208 - FINAL VERSION**  
**- Page 2 -**

1 Nurse Practitioner Association.

2 (17) A registered nurse, appointed by the New Hampshire Nurses Association.

3 (18) Two representatives of the New Hampshire Hospital Association, one of whom  
4 shall be a representative of a community hospital which operates a designated receiving facility,  
5 appointed by the association.

6 (b) Legislative members of the commission shall receive mileage at the legislative rate  
7 when attending to the duties of the commission.

8 II.(a) The commission shall study whether the current policies and procedures to insure  
9 that the civil rights, due process rights and access to care rights of persons with severe mental  
10 illness who are involuntarily committed to the New Hampshire hospital, or another designated  
11 receiving facility, are adequate to protect those rights in a timely and effective manner.  
12 Specifically, the commission's study shall include, but not be limited to:

13 (1) Considering improvements to the response given to persons civilly committed  
14 due to severe mental illness and awaiting transfer from community hospital emergency rooms to  
15 designated receiving facilities (DRF) in a timely manner which is consistent with RSA 135-C.

16 (2) Considering ways of expanding the availability of DRF inpatient beds in  
17 community hospitals for the timely care of involuntarily civilly committed persons.

18 (3) Considering the location and other factors regarding the secure psychiatric unit,  
19 including the status of New Hampshire hospital patients with the department of corrections when  
20 they are transferred to the secure psychiatric unit.

21 (4) Exploring the accreditation of the secure psychiatric unit as certified forensic  
22 psychiatric hospital.

23 (5) Considering alternative inpatient treatment facilities for children and  
24 adolescents other than New Hampshire hospital adult unit.

25 (b) The commission may solicit information from any person or entity the commission  
26 deems relevant to the commission's objective.

27 III. The members of the commission shall elect a chairperson from among the members.  
28 The first meeting of the commission shall be called by the first-named house member. The first  
29 meeting of the commission shall be held within 45 days of the effective date of this section. Eleven  
30 members of the commission shall constitute a quorum.

31 IV. The commission shall submit an interim report of its findings and any recommendations  
32 for proposed legislation to the president of the senate, the speaker of the house of representatives,  
33 the senate clerk, the house clerk, the governor, the chair of the oversight committee on health and  
34 human services, and the state library on or before November 1, 2017 and shall submit a final report  
35 on or before November 1, 2018.

36 162:2 Repeal. RSA 135-C:63-c, relative to a commission to study current mental health  
37 procedures for involuntary commitment, is repealed.

**CHAPTER 162**  
**HB 208 - FINAL VERSION**  
**- Page 3 -**

1           162:3 Effective Date.

2           I. Section 2 of this act shall take effect November 1, 2018.

          II. The remainder of this act shall take effect upon its passage.

Approved: June 28, 2017

Effective Date:

I. Section 2 effective November 1, 2018

II. Remainder effective June 28, 2017