



## **SB-263 Pilot Program for Court Approved Treatment Medications in Jails**

### **Current State of Court Ordered Medication for those in jail**

- Jails are not a designated (27-65) facility in statute. A licensed psychiatrist working at a jail cannot petition the court to obtain an order permitting them to provide needed clinical care and vital medications. Only a physician at a designated facility may start the petition process.
- Individuals often remain in the jail and experience a clinical decompensation due to a lack of necessary and appropriate care. Even when these individuals could be causing serious harm to themselves, the jail's hands are tied and often cannot administer medications.
- In some instances, *if* a statutorily approved facility, like a hospital, is willing to accept a criminal justice involved individual, a jail will transfer an inmate to that facility, and a physician at that institution will petition the court for authority to administer medications.
- The individual is then transferred back to the jail for the medications to continue. Often times, **they do not receive behavioral health services or any clinical oversight while continuing the medications in jail.** This pilot program will change that.

### **Solution**

- This bill creates a pilot program to allow up to five jail facilities to voluntarily apply to participate in the pilot to be able to have their **psychiatrist** directly petition the court to administer medications, removing the requirement to transfer individuals to and from a designated facility.
- The pilot ensures that individuals in need of medications will receive them with clinical oversight and necessary guardrails to ensure safety.

### **SB-263 has numerous guardrails built in. At a minimum a jail must have the following services in place to even be able to apply for the pilot:**

- Maintain an established contract with a designated facility like a hospital or mental health center.
- Maintain a memorandum of agreement with a nationally accredited hospital for the provision of health services.
- Maintain the ability to transfer care to a mental health agency and make an appointment at a mental health agency on behalf of the respondent.
- Have 24-hour access to a treating psychiatrist.
- Daily monitoring of the respondent by either a psychiatrist, psychiatric registered nurse, LPC, LCSW, licensed psychologist, or psychiatric PA.
- Maintain continuous oversight by the Office of Behavioral Health

This bill helps establish the needed clinical services in jails in order to safely administer court approved involuntary medications. Currently people are being transferred back from hospitals on psychotropic medications with no clinical care at the jail and at an increase cost for hospital services - or - they are left to harm themselves or others because a facility will not take them.

