



Am. S.B. 53

127th General Assembly
(As Passed by the Senate)

Sens. Clancy, D. Miller, Padgett, Spada

BILL SUMMARY

- Includes licensed professional clinical counselors among the professionals permitted to take custody of and transport to a hospital a person who is believed to be mentally ill and meets certain criteria.
- Requires a professional permitted to take custody of and transport to a hospital a person who is believed to be mentally ill and meets certain criteria to transport the person within one hour of taking the person into custody.

CONTENT AND OPERATION

Current law

Current law permits a person to be taken into custody if there is reason to believe that the person in question (1) is a "mentally ill person subject to hospitalization by court order"¹ and (2) represents a substantial risk of physical

¹ Current law defines a "mentally ill person subject to hospitalization by court order" as a mentally ill person who, because of the person's illness:

(1) Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;

(2) Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;

(3) Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community; or

harm to the person's self or others if allowed to remain at liberty pending examination. The person can be taken into custody by any of the following: a psychiatrist; licensed clinical psychologist; licensed physician; health officer; parole officer; police officer; or sheriff.

The person taking another into custody may immediately transport the person in question to a hospital. The person taking another into custody must provide a written statement to the hospital stating why that person believes that the person in question is a mentally ill person subject to hospitalization by court order and represents a substantial risk to self or others, and stating the circumstances under which the person in question was taken into custody. (R.C. 5122.10.)

The bill

The bill includes licensed professional clinical counselors as professionals permitted to take into custody and transport to a hospital a person who is believed to be a mentally ill person who meets the criteria described in (1) and (2), above.²

The bill requires a professional permitted to take custody of and transport a mentally ill person to a hospital to transport the person within one hour of taking the person into custody.

The bill also clarifies language permitting a parolee or specified other offender to be taken into custody and transported to a hospital if the chief of the adult parole authority or a parole or probation officer, with the approval of the chief of the authority, believes that the parolee or offender meets the criteria in (1) or (2) above. (R.C. 5122.10.)

(4) Would benefit from treatment in a hospital for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person (R.C. 5122.01(B)).

Current law also defines "mental illness" as a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs judgment, behavior, capacity to recognize reality, or the ability to meet the ordinary demands of life (R.C. 5122.01(A)).

² To attain licensure as a licensed professional clinical counselor, a person must (1) be of good moral character, (2) hold a graduate degree in counseling from an accredited educational institution, (3) complete a minimum of 90 quarter hours of graduate credit in counselor training acceptable to the Counselors Professional Standards Committee of the Counselor, Social Worker, and Marriage and Family Therapist Board, including a minimum of 30 quarter hours of instruction in the following specified areas, (4) complete supervised experience in counseling that is of a type approved by the Counselors Professional Standards Committee, is supervised by a professional clinical counselor or other qualified professional approved by the Committee, and is in specified amounts, and (5) pass an examination administered by the Board. (R.C. 4757.22.)

HISTORY

ACTION	DATE
Introduced	02-20-07
Reported, S. Health, Human Services, & Aging	03-15-07
Passed Senate (26-7)	03-20-07

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