

202A.0803 Failure to comply with court order -- Emergency admission -- Transportation.

- (1) A person's substantial failure to comply with a court order for community-based outpatient treatment may constitute presumptive grounds for the court or an authorized staff physician to order a seventy-two (72) hour emergency admission to allow for reexamination of the person to determine whether he or she meets the criteria for involuntary hospitalization under KRS 202A.026.
- (2)
 - (a) Failure to comply with an order for community-based outpatient treatment shall not be grounds to find the person in contempt of court but shall be prima facie evidence that:
 1. The person can benefit from inpatient hospitalization; and
 2. Inpatient hospitalization is the least restrictive mode of treatment.
 - (b) If a new petition for involuntary hospitalization is filed within twelve (12) months of an order for community-based outpatient treatment, the clerk of the court shall provide the prior order to:
 1. The court with the petition for involuntary hospitalization; and
 2. The qualified mental health professional along with the court's order for examination.
 - (c) The qualified mental health professional who conducts the examination as described under paragraph (b)2. of this subsection shall independently evaluate the person, considering the person's prior order for community-based outpatient treatment, and certify whether he or she meets the criteria for involuntary hospitalization under KRS 202A.026.
 - (d) A person shall not be involuntarily hospitalized based solely on his or her failure to comply with a prior order for community-based outpatient treatment.
- (3)
 - (a) Any person admitted to a hospital under subsection (1) of this section or transferred to a hospital while ordered hospitalized under subsection (1) of this section shall be transported from the person's home county by the sheriff of that county or other peace officer as ordered by the court.
 - (b) The sheriff or other peace officer may, upon agreement of a person authorized by the peace officer, authorize the cabinet, a private agency on contract with the cabinet, or an ambulance service designated by the cabinet to transport the person to the hospital.
 - (c) The transportation costs of the sheriff, other peace officer, ambulance service, or other private agency on contract with the cabinet shall be paid by the cabinet in accordance with an administrative regulation promulgated by the cabinet in accordance with KRS Chapter 13A.
- (4)
 - (a) Any person released from the hospital under subsection (1) of this section shall be transported to the person's county of discharge by a sheriff or other peace officer, by an ambulance service designated by the cabinet, or by other appropriate means of transportation which is consistent with the treatment plan of that person.

- (b) The transportation cost of transporting the patient to the patient's county of discharge when performed by a peace officer, ambulance service, or other private agency on contract with the cabinet shall be paid by the cabinet in accordance with an administrative regulation promulgated by the cabinet in accordance with KRS Chapter 13A.

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