

**202C.150 Psychiatric facility review committee -- Treatment plan.**

- (1) Every forensic psychiatric facility caring for respondents involuntarily committed under this chapter shall have a review committee of three (3) qualified mental health professionals appointed by the facility director. This review committee shall have the authority to review the appropriateness of a respondent's individual treatment plan.
- (2) Upon the refusal of a respondent to participate in any or all aspects of his or her treatment plan, the review committee shall examine the appropriateness of the respondent's individual treatment plan. Within three (3) days of the refusal, the review committee shall meet with the respondent and his or her counsel, guardian ad litem, or other representative to discuss its recommendations.
- (3) If the respondent still refuses to participate in any or all aspects of his or her individual treatment plan, the forensic psychiatric facility may petition the Circuit Court for a de novo determination of the appropriateness of the proposed treatment. Within seven (7) days, excluding weekends and holidays, the court shall conduct a hearing, consistent with the respondent's rights to due process of law, and shall utilize the following factors in reaching its determination:
  - (a) Whether the treatment is necessary to protect the respondent or others from harm;
  - (b) Whether the respondent is incapable of giving informed consent to the proposed treatment;
  - (c) Whether any less restrictive alternative mode of treatment exists; and
  - (d) Whether the proposed treatment carries any risk of permanent side effects.
- (4) Upon the completion of the hearing, the court shall enter an appropriate judgment.

**Effective:** April 1, 2021

**History:** Created 2021 Ky. Acts ch. 175, sec. 20, effective April 1, 2021.