

202A.196 Hospital review committee -- Treatment plan.

- (1) Every hospital approved under the provisions of this chapter shall have a review committee of three (3) qualified mental health professionals appointed by the hospital director. This review committee shall have the authority to review the appropriateness of a patient's individual treatment plan.
- (2) Upon the refusal of an involuntary patient to participate in any or all aspects of his treatment plan, the review committee shall examine the appropriateness of the patient's individual treatment plan. Within three (3) days of the refusal, the review committee shall meet with the patient and his counsel or other representative to discuss its recommendations.
- (3) If the patient still refuses to participate in any or all aspects of his individual treatment plan, the hospital may petition the District Court for a de novo determination of the appropriateness of the proposed treatment. Within seven (7) days, the court shall conduct a hearing, consistent with the patient'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 patient or others from harm;
 - (b) Whether the patient is incapable of giving informed consent to the proposed treatment;
 - (c) Whether any less restrictive alternative 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: July 15, 1988

History: Amended 1988 Ky. Acts ch. 139, sec. 12, effective July 15, 1988. -- Created 1982 Ky. Acts ch. 445, sec. 28, effective July 1, 1982.

Legislative Research Commission Note. This section was enacted in 1982 Acts, Chapter 445, which contains the following language in Section 45 of that Act: "This Act shall become effective on July 1, 1982." The Ky. Constitution, in Section 55, requires that a reason be set forth for the emergency. However, no reason is set forth in this Act. The effective date for 1982 Acts with no emergency provision is July 15, 1982.