

STATES COMPARISON OF QUALITY AND USE OF OUTPATIENT COMMITMENT LAWS

This memorandum provides information relating to a selected state comparison of the quality and use of outpatient commitment laws that were published as part of a report by the Treatment Advocacy Center entitled *Mental Health Commitment Laws: A Survey of the States*. The publication examined the laws each state uses to determine who within its population might qualify to receive involuntary treatment and for what duration and grade each state on two measures of the state's response to the mental health treatment--"Quality of Involuntary Treatment" and "Use of Involuntary Treatment Laws." The publication graded the quality of each state's involuntary treatment laws by reviewing inpatient commitment, outpatient commitment, and emergency evaluation. North Dakota received an "A+" for inpatient commitment laws, a "B" for outpatient commitment laws, and an "A+" for emergency evaluation laws. The following schedule provides information for selected states regarding criteria that was used to identify the grade each state received for its outpatient commitment laws.

State	Overall Grade and Score for Quality of Involuntary Treatment Laws	Overall Grade and Score for Outpatient Commitment Laws	Criteria for Overall Outpatient Commitment Law Grade and Score					
			Score Related to Statutory Authority for Outpatient Commitment Laws	Score Related to Criteria for Laws that are Sufficiently Broad to Provide Access	Score Related to Procedures that are Sufficiently Explained to Guide Practice ¹	Score Related to Laws that Allow Initial Order to Exceed 90 Days ¹	Score Related to Laws that Allow Initial Order to Exceed 180 Days	Score Related to Laws that Allow Renewal to Exceed 180 Days
North Dakota	A (73/80)	B (27/34)	4/4	20/20	2/5	0/2	0/2	1/1
Arizona	A (67/80)	A+ (34/34)	4/4	20/20	5/5	2/2	2/2	1/1
Georgia	C+ (54/80)	A+ (34/34)	4/4	20/20	5/5	2/2	2/2	1/1
Idaho	A (75/80)	A+ (33/34)	4/4	20/20	4/5	2/2	2/2	1/1
Iowa	C- (46/80)	C- (23/34)	4/4	10/20	4/5	2/2	2/2	1/1
Louisiana	B+ (57/80)	A+ (32/34)	4/4	20/20	5/5	2/2	0/2	1/1
Minnesota	D (40/80)	C (21/34)	4/4	12/20	5/5	0/2	0/2	0/1
Montana	C (52/80)	A (30/34)	4/4	20/20	4/5	2/2	0/2	0/1
South Dakota	C- (47/80)	D (16/34)	4/4	12/20	0/5	0/2	0/2	0/1
Wyoming	C- (49/80)	C+ (23/34)	4/4	10/20	4/5	2/2	2/2	1/1

¹Additional information is provided in a schedule below.

North Dakota scored lower than many other selected states related to procedures that are sufficiently explained to guide practice. The schedule below provides additional detail regarding the scores North Dakota and other selected states received for this measure.

State	Score Related to Procedures that are Sufficiently Explained to Guide Practice	Survey Details Regarding the Score Related to Procedures that are Sufficiently Explained to Guide Practice
North Dakota North Dakota Century Code Section 25-03.1-21(2)	2/5	The survey identified the state's procedures were lacking detail for a treatment plan and identification of providers. The survey did identify that noncompliance procedures are being addressed pursuant to North Dakota Century Code subsection 2 of Section 25-03.1-21.
Arizona Arizona Revised Statutes Section 36-540(e)	5/5	The survey identified the state's procedures are sufficiently explained to guide practice. The survey determined the court designates a medical director of a mental health treatment agency to take charge. The survey also determined noncompliance may lead to conversion of an inpatient order without hearing pursuant to Arizona Revised Statutes subsection e of Section 36-540.

State	Score Related to Procedures that are Sufficiently Explained to Guide Practice	Survey Details Regarding the Score Related to Procedures that are Sufficiently Explained to Guide Practice
Georgia Georgia Code Annotated Section 37-3-81.1; Section 37-3-82; and Section 37-3-91	5/5	The survey identified the state's procedures are sufficiently explained to guide practice. The survey determined the state requires development of a service plan and a requirement that services are available. The survey also determined that there is a process for noncompliance pursuant to Georgia Code Annotated subsection (a)(2) of Section 37-3-81.1, relating to disposition of a patient upon hearing.
Idaho Idaho Statutes Section 66-329-12	4/5	The survey identified there is little detail regarding the state's development of a treatment plan. The survey did identify good noncompliance provisions pursuant to Idaho Code subsection 12 of Section 66-329, relating to commitment to the department director upon court order judicial procedures.
Iowa Iowa Code Section 229.13 Iowa Code Section 229.15	4/5	The survey identified there is no detail on the state's treatment plan development. The survey did identify that the state requires notification and agreement of providers and periodic reporting to a court pursuant to Iowa Code subsection 3 of Section 229.13, relating to evaluation order for treatment and unauthorized departure or failure to appear.
Louisiana Louisiana Revised Statutes Section 28:70 Section 28:73 Section 28:75	5/5	The survey identified the state's procedures are sufficiently explained to guide practice. The survey determined the state requires a treatment plan, including case management pursuant to Louisiana Revised Statutes Section 28:70, addresses plan modifications pursuant to Louisiana Revised Statutes Section 28:73, and details procedures to address noncompliance pursuant to Louisiana Section 28:75.
Minnesota Minnesota Statutes Section 253B.097	5/5	The survey identified the state's procedures are sufficiently explained to guide practice. The survey determined that the state requires an order to include appointment of a case manager, a statement of consequences of noncompliance, and provides for periodic reporting by the case manager to a court pursuant to Minnesota Statutes Section 253B.097, relating to community-based treatment.
Montana Montana Code Annotated Section 53-21-127(8)(e) Section 53-21-151	4/5	The survey identified there is no detail regarding a treatment plan development. The survey did identify the state's procedures require courts to identify a party responsible for treatment pursuant to Montana Code Annotated Section 53-21-127(8)(e), and addresses consequences of noncompliance pursuant to Montana Code Annotated Section 53-21-151.
South Dakota	0/5	The survey identified that there is no detail regarding the state's procedures that are sufficiently explained to guide practice.
Wyoming Wyoming Statutes Annotated Section 25-10-110	4/5	The survey identified the state does not provide enough consequences for noncompliance. The survey did identify the state provides good detail on designating a provider and developing a treatment plan pursuant to Wyoming Statute Annotated subsection j(ii) of Section 25-10-110, relating to involuntary hospitalization proceedings.

North Dakota scored lower than many other selected states related to allowing initial court orders to exceed 90 days for outpatient commitments. The schedule below provides additional detail regarding the scores North Dakota and selected other states received for this measure.

State	Score Related to Laws that Allow Initial Order to Exceed 90 Days	Detail Regarding Score Related to Laws that Allow Initial Order to Exceed 90 Days
North Dakota	0/2 - 90 days	North Dakota Century Code subsection 1 of Section 25-03.1-22, relating to length of involuntary and continuing treatment orders, provides an initial order for involuntary treatment may not exceed 90 days.
Arizona	2/2 - 1 year	Arizona Revised Statute subsection d of Section 36-540, relating to court options provides an order to receive treatment shall not exceed 365 days. The period of inpatient treatment under a combined treatment order shall not exceed the maximum period allowed for an order for inpatient treatment.
Georgia	2/2 - 1 year	Georgia Code Annotated subsection a of Section 37-3-93, relating to involuntary outpatient care, provides the court may order the patient to obtain available outpatient treatment for any period not to exceed 1 year, but the total period of involuntary treatment required by such order, including inpatient treatment, shall not exceed 1 year.
Idaho	2/2 - 1 year	Idaho Code subsection 11(b) of Section 66-329, relating to commitment to the department director upon court order, provides the court shall order the proposed patient committed to the custody of the department director for observation, care and treatment for an indeterminate period of time not to exceed 1 year. The department director, through his dispositioner, shall determine within 24 hours the least restrictive available facility or outpatient treatment, consistent with the needs of each patient committed under this section for observation, care, and treatment.
Iowa	2/2	Iowa Code Sections 229.13 and 229.15 allow for initial order to exceed 90 days, but does not indicate a maximum length of time, just reporting.
Louisiana	2/2 - 1 year	Louisiana Revised Statute Annotated subsection b of Section 28:71 provides that if the court finds by clear and convincing evidence that the patient meets the criteria for involuntary outpatient treatment, and no less restrictive alternative is feasible, the court shall order that the patient receive involuntary outpatient treatment for an initial period not to exceed 1 year.
Minnesota	0/2 - 90 day max	Minnesota Statute subsection 3 of Section 253B.066 provides the order for early intervention shall not exceed 90 days.
Montana	2/2 - 6 months	Montana Code Annotated subsection 3(b)(ii) of Section 127 allows outpatient treatment for not more than 6 months.
South Dakota	0/2 - 90 days	South Dakota Codified Laws Section 27A-10-9.1 allows up to 90 days for initial commitment to facility or outpatient treatment program.
Wyoming	2/2	Wyoming Statutes Annotated Section 25-10-110 does not have a maximum length of time, but does provide for a period of time that is deemed appropriate.