CRITICAL AREAS OF CONCERN
RE PROPOSED MANDATED COMMUNITY TREATMENT LEGISLATION

9-28-06

1. Definitional and clarifying language to the criteria;

2. Language regarding the rights of persons subject to the court process and subject to the mandated treatment;

3. Clarification about whether and under what circumstances a person can be physically held down and forcibly medicated;

4. A requirement that a person must be offered effective treatment and must have refused it in the 10 or so days prior to the court process;

5. A requirement that any valid psychiatric advance directive (a new law signed by you from last session) would have to be followed in developing the treatment plan ordered by the court;

6. A sunset clause and an evaluation of the bill by independent parties/researchers, as was the case with the New York law.

7. A preemption clause clarifying which law applies in cases of conflict with any inconsistent local ordinance.