

KANSAS OFFICE of  
**REVISOR of STATUTES**

LEGISLATURE of THE STATE of KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

**MEMORANDUM**

To: House Committee on Corrections and Juvenile Justice

From: Natalie Scott, Assistant Revisor of Statutes

Date: February 16, 2016

Subject: Bill Brief on HB 2369

HB 2369 creates the Emergency Observation and Treatment Act. Section 1 names the act. Section 2 provides definitions for terms that are used throughout the act. Section 3 provides for how time should be counted under the act.

Section 4 provides that treatment under this act is not proof that the person has given up any rights by accepting such treatment or that the person is in need of a guardian or a conservator or both.

Section 5 provides that a licensed crisis recovery center may admit and detain any person 18 years or older who is presented for emergency observation and treatment. It provides for an application process to admit someone to such center for treatment and describes the information that is required to be on the application.

Section 6 provides that a law enforcement officer who takes a person into custody pursuant to this act shall take such person directly to a licensed crisis recovery center if there is such a center in the area. Such centers shall not refuse to accept any person brought to them for treatment by law enforcement.

Section 7 provides that if the requirements of section 5 are meant, no ex parte order is required. The head of a licensed crisis recovery center shall evaluate a person admitted pursuant to the act with four hours of admission and shall discharge a person admitted as soon as it is appropriate or within 72 hours. If the head of such crisis recovery center

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**  
LEGISLATURE *of* THE STATE *of* KANSAS

---

believes the person needs treatment past the allowed 72 hours, the head of the crisis recovery center may file appropriate petitions and find appropriate placement.

Section 8 provides for the rights a patient has while such patient is receiving treatment in such a licensed crisis recovery center.

Section 9 provides that persons carrying out the provisions of this act will be free from civil and criminal liability.

Sections 10 through 14 amend existing provisions in the Care and Treatment for Mentally Ill Persons and the Care and Treatment for Persons with an Alcohol or Substance Abuse Problem acts to provide for the use of the new Emergency Treatment and Observation Act.