

645.170 Hospital review committee -- Review of patient's individual treatment plan.

- (1) Every hospital which treats children under this chapter shall have a review committee of three (3) qualified mental health professionals appointed by the hospital director. The review committee shall have the authority to review the appropriateness of a patient's individual treatment plan.
- (2) Upon the written 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. After a patient refuses to participate in his treatment plan and until his disagreement with the plan has been resolved, the hospital may administer only that treatment which the treating physician determines is necessary to protect the patient from harming himself or others. Within three (3) days, exclusive of weekends and holidays, of the refusal, the review committee shall meet with the patient and his counsel or court-designated worker to discuss their 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 of the filing of the hospital's petition, excluding weekends and holidays, the court shall conduct a hearing, consistent with the patient's right to due process of law, and shall consider all factors in reaching its determination, including but not limited to:
 - (a) Whether the treatment is necessary to protect other patients or the patient himself from harm;
 - (b) Whether the patient is incapable of giving informed consent to the proposed treatment;
 - (c) Whether any less restrictive alternative treatment is available;
 - (d) Whether the proposed treatment carries any risk of permanent side effects; and
 - (e) Whether the proposed treatment is likely to improve the patient's condition.
- (4) Upon the completion of the hearing, the court shall, considering the proof and from a preponderance of the evidence finding that the factors listed in subsection (3) of this section have been established, enter an appropriate judgment, enumerating the factors found to exist, which judgment shall be considered final for purposes of appeal. No court shall consent to psychosurgery or electroshock therapy nor shall it order such treatment. If the court denies the hospital the right to administer the treatment in question, the hospital may discharge the child.

Effective: April 10, 1988

History: Amended 1988 Ky. Acts ch. 350, sec. 121, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 162, effective July 1, 1987.