

Statement on Announcement of New Statewide Mental Health Docket to Facilitate Processing of Involuntary Emergency Admission (IEA) Cases

(April 15, 2022)

NAMI New Hampshire commends the State of New Hampshire's plans to create a statewide mental health docket to facilitate the processing of Involuntary Emergency Admission (IEA) cases and ensure the due process rights of individuals experiencing mental health crises are upheld as defined in NH law (RSA 135-C). This new process resulted from the combined efforts of stakeholders including the NH Circuit Court, NH Department of Health & Human Services, community hospitals, and mental health providers, under the leadership of Chief Justice Gordon MacDonald and Governor Chris Sununu.

For over nine years, Granite Staters experiencing mental health crises have been boarded in emergency departments, often for days or weeks, waiting for admission to an inpatient psychiatric bed. Most of these individuals have been detained against their will, having been deemed to be a danger to themselves or others. Until now, they were often detained without a judicial review within 3 days as required by statute.

With its decision in *Jane Doe v. Commissioner of the New Hampshire Department of Health and Human Services* last May, the New Hampshire Supreme Court affirmed that the State of New Hampshire had violated the rights of Jane Doe who was held against her will in a hospital emergency department for seventeen days without a probable cause hearing as required by law. A direct result of that decision, this new IEA process will protect the legal rights of individuals being boarded by providing timely hearings.

NAMI NH applauds this significant step forward that helps to protect the rights of individuals with mental illness. It is important to note that these individuals are still boarding in emergency departments, with little or no treatment, waiting for admission to an inpatient bed. Governor Sununu said in his press release on April 15th, "Our work is not done, and we remain committed to increasing capacity in community-based services and even further improving access to mental health care for children, youth, adults, and families in crisis." The Governor is correct, and NAMI NH will continue to work with state officials and partners to ensure all Granite Staters have timely access to essential mental health care.

NAMI NH is grateful to Jane Doe for her courage in using a distressing experience to ensure justice for others who might find themselves in the same circumstance. Jane Doe's example inspires and challenges us to embody hope and help for our fellow Granite Staters.