

Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

March 15, 2018

Dear Senators:

Disability Rights Nebraska, the designated Protection and Advocacy organization for people with disabilities in Nebraska. We are opposed to LB 964.

LB 964's prescription, to allow mental health professionals to take individuals into custody and deliver them to an appropriate facility under Emergency Protective Custody (EPC), is extremely problematic and the bill should not be advanced.

This proposed legislation puts mental health professionals in an unnecessarily risky situation. In order to satisfy the criteria for an EPC action a person must be deemed "mentally ill" and dangerous to self or others; exactly the type of individual that should not be restrained and transported by professionals who are not law enforcement. How would mental health professionals protect themselves? Additionally, this bill would increase liability for mental health professionals when transporting individuals under an EPC action. These situations are unnecessary.

LB 964 would also destroy the provider-client relationship: How effective would treatment be if the individual seeking treatment understands that their therapist/mental health professional could put them into custody and transport them to a facility under EPC?

Finally, we are opposed to LB 964 as the bill places the opinion of mental health professionals above that of law enforcement regarding whether or not the individual meets EPC criteria. There is no check on the mental health professional's conclusion, which law enforcement conducts under existing statute, and ultimately means that individuals can be put into EPC simply on the whim of the mental health professional. Since an EPC action impacts an individual's rights or liberty interests, it should not be a unilateral, summary decision based on one person's assessment of another person.

Disability Rights recommends this legislation not be advanced.

For further information or clarification, please do not hesitate to contact me at your convenience: brad@drne.org, or 402-474-3183.

Sincerely,

Brad Meurrens
Public Policy Director
Disability Rights Nebraska