

**Statute with the Fee set by the state that the counties pay:**

27A-13-16. Admission fee to be paid by county of residence--Amount. Effective July 1, 2010, the county of residence shall pay an admission fee of six hundred dollars to the center for each patient the county is legally responsible. The admission fee shall cover the first thirty days of care at the center. If the patient remains at the center for longer than thirty days, the minimum charge paid by the county of residence shall be a pro rata amount of the admission fee multiplied by twelve months and divided by three hundred sixty-five days.

**Source:** SL 1964, ch 104, § 4 (5); SDCL § 27-9-9; SL 1974, ch 186, § 2; SL 1975, ch 181, § 122; SL 1981, ch 205, § 4; SL 1991, ch 220, § 263; SL 2006, ch 148, § 1; SL 2010, ch 143, § 1.

**Statute with Commitment that outlines cost no more than if at HSC:**

27A-10-9.1. Ninety-day initial commitment to facility or outpatient treatment program--Release--Transportation--Notice of right to appeal. Upon completion of the hearing provided in § 27A-10-8, the board of mental illness may order the involuntary commitment of the person for an initial period not to exceed ninety days if a majority of the board finds by clear and convincing evidence, supported by written findings of fact and conclusions of law, that:

- (1) The person meets the criteria in § 27A-1-2;
- (2) The person needs and is likely to benefit from the treatment which is proposed; and
- (3) The commitment is to the least restrictive treatment alternative.

The board may commit the person to the Human Services Center or a veterans' administration hospital. The board may also commit the person to a private facility or an outpatient treatment program, if that facility or program agrees to accept the commitment and if the commitment will not result in liability to any county for the cost of treating such person.

If the above findings are not made, the board shall order that the person be released. Following such release, the referring county shall provide the person with transportation to the county where the person was taken into custody if the person chooses. The county ultimately shown to be the county of residence shall reimburse the referring county for any transportation costs. However, the provisions of chapter 28-14 do not apply. If the board orders the involuntary commitment of the person, the board shall immediately notify the person and the person's attorney of the right to appeal pursuant to § 27A-11A-25.

**Source:** SL 1987, ch 198, § 17; SL 1991, ch 220, § 121; SL 1992, ch 189, § 35; SL 1995, ch 159; SL 1999, ch 143, § 4; SL 2012, ch 149, § 17.

**27A-10-6 and 27A-10-8 outlines the expenses to the county which include QMHP, board hearing, and transportation. The county is liable for a mental health hold regardless of indigency**

27A-10-6. Professional examination of person apprehended--Report to chair--Person released if not dangerous. Within twenty-four hours after apprehension of any person who allegedly requires emergency intervention or a hold is initiated pursuant to § 27A-8-10.1, or a petition is filed pursuant to § 27A-8-11.2, a qualified mental health professional designated by the chair of the county board serving the area where the person is detained other than the person bringing the petition or initiating the hold shall perform an examination, including a mental status examination, of the person. Preceding the examination, the qualified mental health professional shall identify herself or himself to the person and explain the nature and purpose of the examination, including the fact that it is being performed to assist in the determination of whether custody should continue and that the examination may be used as evidence in an involuntary commitment hearing. The qualified mental

health professional shall immediately report any findings to the chair of the county board. The referring county shall pay any expenses of the examination by the qualified mental health professional, subject to reimbursement by the county ultimately proven to be the county of residence. No lien may be placed against the person for the costs incurred in the qualified mental health professional examination.

**Source:** SL 1974, ch 184, § 5; SL 1975, ch 181, § 109; SDCL Supp, § 27-7A-6; SL 1987, ch 198, § 15; SL 1991, ch 220, § 115; SL 1999, ch 143, § 2; SL 2000, ch 129, § 7.

#### 27A-10-8

27A-10-8. Time limit for involuntary commitment hearing--Payment of expenses. Within five days after the person is taken into custody, within six days if there is a Saturday, Sunday, or holiday within that time period, or within seven days if there is a Saturday, Sunday, and holiday within that time period, the person shall be provided an involuntary commitment hearing. The referring county shall pay any expenses incurred by the board holding the hearing, including the transportation of the person to the hearing, subject to reimbursement by the county ultimately proven to be the county of residence.

No lien may be placed against the person for the expenses incurred by the board holding the hearing, including the transportation of the person to the hearing.

**Source:** SL 1974, ch 184, § 8; SL 1975, ch 181, § 111; SDCL Supp, § 27-7A-10; SL 1977, ch 212, § 4; SL 1988, ch 216, § 7; SL 1991, ch 220, § 119; SL 1997, ch 164, § 2; SL 1999, ch 143, § 3; SL 2000, ch 129, § 9.