

Involuntary Commitment

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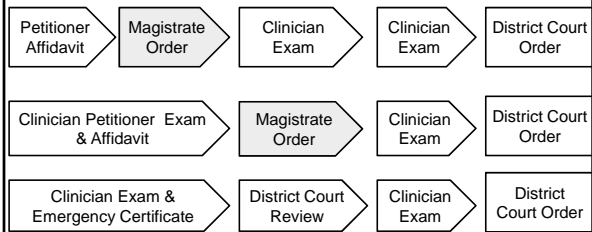


Today's Topics

- Review of Procedure
- Legislation
- The Role of the LME



Overview of Commitment Procedure— Three Procedural Pathways



The Layperson Petition Procedure



Magistrate Role

- The magistrate shall issue an order to
 - a law enforcement officer or
 - any other person authorized under G.S. 122C-251to take the respondent into custody for examination by a physician or psychologist
- If the respondent is not taken into custody within 24 hours after the magistrate signs the custody order, the order expires.



Law Enforcement Role

Without unnecessary delay, the officer must take the respondent to a physician or psychologist for examination.



Clinical Examiner Role—Findings and Recommendations

Findings

No commitment criteria

→

Release

Outpatient commitment

→

Release pending hearing

Inpatient commitment

→

Inpatient facility

Substance abuse commitment

→

Release or inpatient facility



Examiner Role—Outpatient Commitment

If recommendation is outpatient, examiner must

- Show name, address, and telephone number of the proposed outpatient treatment physician or center.
- Give the respondent a written notice
 - listing the name, address, and telephone number of the proposed outpatient provider and
 - directing the respondent to appear at the address at a specified date and time.
- Notify by phone the designated outpatient provider and send a copy of the notice and examination.



Law Enforcement Officer Role—Inpatient Commitment Recommendation

- If examiner recommends inpatient commitment the officer or other designated person shall take the respondent to a 24-hr facility
- If a 24-hour facility is not
 - Immediately available or
 - Medically appropriate

The respondent may be temporarily detained under appropriate supervision



Change in Respondent's Status

1. If at any time a physician or psychologist determines respondent no longer meets the inpatient criteria:
 - Respondent must be released, or
 - Physician may recommend outpatient commitment
2. Decision to release or recommend outpatient commitment must
 - Be made in writing
 - Reported to the clerk of superior court



Seven Day Limit

1. Seven days after issuance of custody order, commitment must be terminated if 24-hour facility still not available or medically appropriate
 - Physician must report to clerk of court
 - Proceedings must be terminated
2. New commitment proceedings may be initiated
 - Requires new petition
 - Requires new examination if petitioner is clinician
 - Requires new custody order



The Clinician Petition Procedure

Authorized Clinicians

- Physicians
- Health services provider psychologists
- Licensed clinical social workers, psychiatric nurses, and clinical addictions specialists that are individually authorized by the LME



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Examiner Role: Complete and Submit Examination Form with the Petition

SECTION III - RECOMMENDATION FOR DISPOSITION

- Inpatient Commitment for _____ days (respondent must be mentally ill and dangerous to self or others)
- Outpatient Commitment (respondent must meet ALL of the first four criteria outlined in Section I, **Outpatient**)
Proposed Outpatient Treatment Center or Physician: (Name) _____
(Address and Phone Number) _____
- Substance Abuse Commitment (respondent must meet both criteria outlined in Section I, **Substance Abuse**)
 - Release respondent pending hearing - Referred to: _____
 - Hold respondent at 24-hour facility pending hearing - Facility _____

Section III: Recommendation

- Inpatient commitment
- Outpatient commitment
- Substance abuse commitment



Magistrate Role—Evaluate the Petition in Light of the Examiner’s Recommendation

- Outpatient commitment → **Hearing**
- Inpatient commitment → **Custody**
- Substance abuse commitment → **Hearing** or **Custody**



Outpatient Commitment—Examiner and LME Role

If the recommendation is outpatient, the physician must

- Provide respondent written notice of any scheduled appointment and name, address, and phone number of proposed outpatient treatment provider
- Contact the LME that serves the county where respondent resides, or the LME that coordinated services, and inform the LME that respondent has been scheduled for an appointment



Clinician Petitioner Recommends Inpatient Commitment

- The magistrate shall issue an order for transportation to a 24-hour facility.
- The law enforcement officer shall take the respondent into custody w/n 24 hours and take her to a 24 hour facility for involuntary clients.
 - If a 24-hour facility is not immediately available or medically appropriate the respondent may be temporarily detained under appropriate supervision



Legislation



2015 Legislation—Effective Now

- “A custody order entered by the clerk or magistrate pursuant to this Chapter may be delivered to the law enforcement officer by electronic or facsimile transmission.”
 - G.S. 122C-210.3 (Session Law 2015-176, Senate Bill 192)
- Applies to all custody orders
 - Transfer btw. 24-hour facility
 - Outpatient pick up orders



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2015 Legislation—Issues to Manage

- How do you know if law enforcement receives the order?
- How do you know if the order will be received in a timely manner?
- How do you know if the officer receives and attaches both pages of the order?

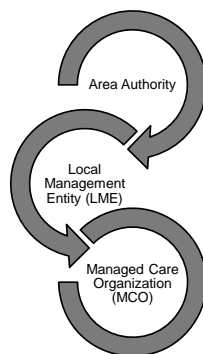
Recommendation—Set up a clear, mutually agreeable protocol that confirms receipt of the order in its entirety (both pages) and time of receipt.

Know Your LME

- Citizen Access to Services
- Qualified First Examiners—Remote Petitions
- Collaboration



Terminology





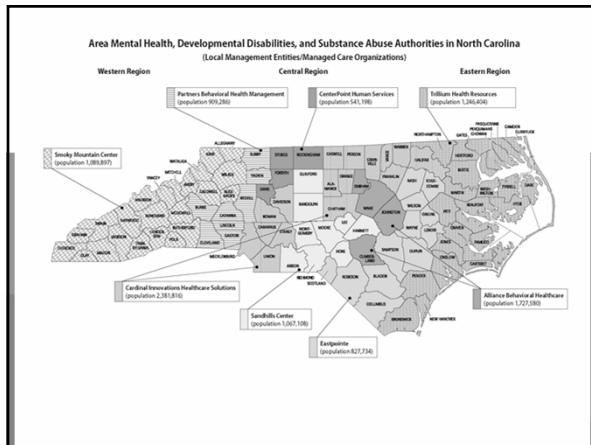
What Does an LME Do?

Local management entities are responsible for the management and oversight of the public system of MH/DD/SA services at the community level.

An LME shall plan, develop, implement, and monitor services... to ensure expected outcomes for consumers within available resources.

G.S. 122C-115.4





Access to Services

- By phoning the LME “access” number
- By having support come to you—mobile crisis
- By going to a walk-in crisis center

crisissolutionsnc.org/crisis-solutions-individuals-families/



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Does your LME/MCO have clinicians other than physicians/psychologists who perform the 1st exam?

- **SESSION LAW 2011-346, SENATE BILL 437**, allows the following to complete the first examination:
 - Licensed clinical social workers,
 - Master's level psychiatric nurses, and
 - Master's level certified clinical addictions specialists.
- People certified to perform these first level involuntary commitment examinations have successfully completed a training, testing and certification program that requires recertification every three years.
ncdhs.gov/mhddsas/providers/firstlevelcommit/index.htm



LME Role

The LME is required to

- Establish and maintain effective collaborative working relationships with other public agencies, health care providers, and human services agencies within their catchment area
- Build a community collaborative of crisis/emergency stakeholders that engage in and support
 - crisis prevention
 - crisis stabilization, and
 - engagement of individuals into services after a crisis event



Questions?