

Potential revisions to emergency admission processes in statute

4/10/14

AD

§ 7504. Application and certification for emergency examination

(a) A person shall be held for admission to a ~~admitted to a designated~~ hospital for an emergency examination to determine if he or she is a person in need of treatment upon written application by an interested party accompanied by a certificate by a licensed physician who is not the applicant. The application and certificate shall set forth the facts and circumstances which constitute the need for an emergency examination and which show that the person is a person in need of treatment.

(b) The application and certificate shall be authority for transporting the person to a ~~designated~~ an admitting hospital for an emergency examination, as provided in section 7511 of this title.

§ 7505. Warrant for certification for emergency ~~immediate~~ examination

(a) In emergency circumstances where a certification by a physician is not available without serious and unreasonable delay, and when personal observation of the conduct of a person constitutes reasonable grounds to believe that the person is a person in need of treatment, and he or she presents an immediate risk of serious injury to himself or herself or others if not restrained, a law enforcement officer or mental health professional may make an application, not accompanied by a physician's certificate, to any district or superior judge for a warrant for an immediate examination.

(b) The law enforcement officer or mental health professional may take the person into temporary custody and shall apply to the court without delay for the warrant.

(c) If the judge is satisfied that a physician's certificate is not available without serious and unreasonable delay, and that probable cause exists to believe that the person is in need of a physician's an immediate review for certification for the need for an emergency examination, he or she may order the person to submit to an ~~immediate examination~~ evaluation by a physician for that purpose. ~~at a designated hospital.~~

(d) If necessary, the court may order the law enforcement officer or mental health professional to transport the person to a ~~designated hospital for an immediate examination~~ available to provide the evaluation.

(e) A certificate shall set forth the facts and circumstances which constitute the need for an emergency examination and which show that the person is a person in need of treatment. If the physician certifies that the person is a person in need of treatment, the person shall be held for admission to a ~~designated~~ hospital for an emergency examination in accordance with section 7508 of this title. If the physician does not certify that the person is a person in need of treatment, he or she shall immediately discharge the person and cause him or her to be returned to the place from which he or she was taken, or to such place as the person reasonably directs.

§ 7508. Emergency examination and second certification

(a) When a person is certified to be held for an emergency examination in accordance with section 7504 or 7505(e) of this title, the person is admitted to the interim care and custody of the commissioner until an order under 7617(b) is issued by the court or the person is released. A patient being held for an emergency examination may be admitted to an appropriate hospital at

any time after certification. The commissioner shall ensure that a person being held for an emergency examination pending a hospital admission is receiving interim care and treatment in a hospital emergency department in a manner that represents the least restrictive means necessary for the safety of the patient and the public, respects the privacy of the individual and other patients, and prevents physical and psychological trauma.

(a) When a person is ~~admitted to a designated hospital~~ is certified to be held for an emergency examination in accordance with section 7504 or 7505(e) of this title, he or she shall be examined ~~and certified~~ by a psychiatrist as soon as practicable, but not later than one working day after ~~admission.~~ the initial physician certification.

(b) If the person is ~~admitted~~ held for admission on an application and physician's certificate, the examining psychiatrist shall not be the same physician who signed the certificate.

(c) If the psychiatrist does not write a second certification that the person is a person in need of treatment, he or she shall immediately discharge or release the person and cause him or her to be returned to the place from which he or she was taken or to such place as the person reasonably directs.

(d) If the psychiatrist does write a second certification that the person is a person in need of treatment, the person's ~~hospitalization~~ may continue to be held for an additional 72 hours, at which time ~~hospitalization shall terminate~~ the person shall be discharged or released, unless within that period:

- (1) the person has ~~been~~ accepted for voluntary admission under section 7503 of this title; or
- (2) an application for involuntary treatment is filed with the appropriate court under section 7612 of this title in which case the patient shall continue to be held ~~remain hospitalized~~ pending the court's ~~decision~~ finding of probable cause on the application.