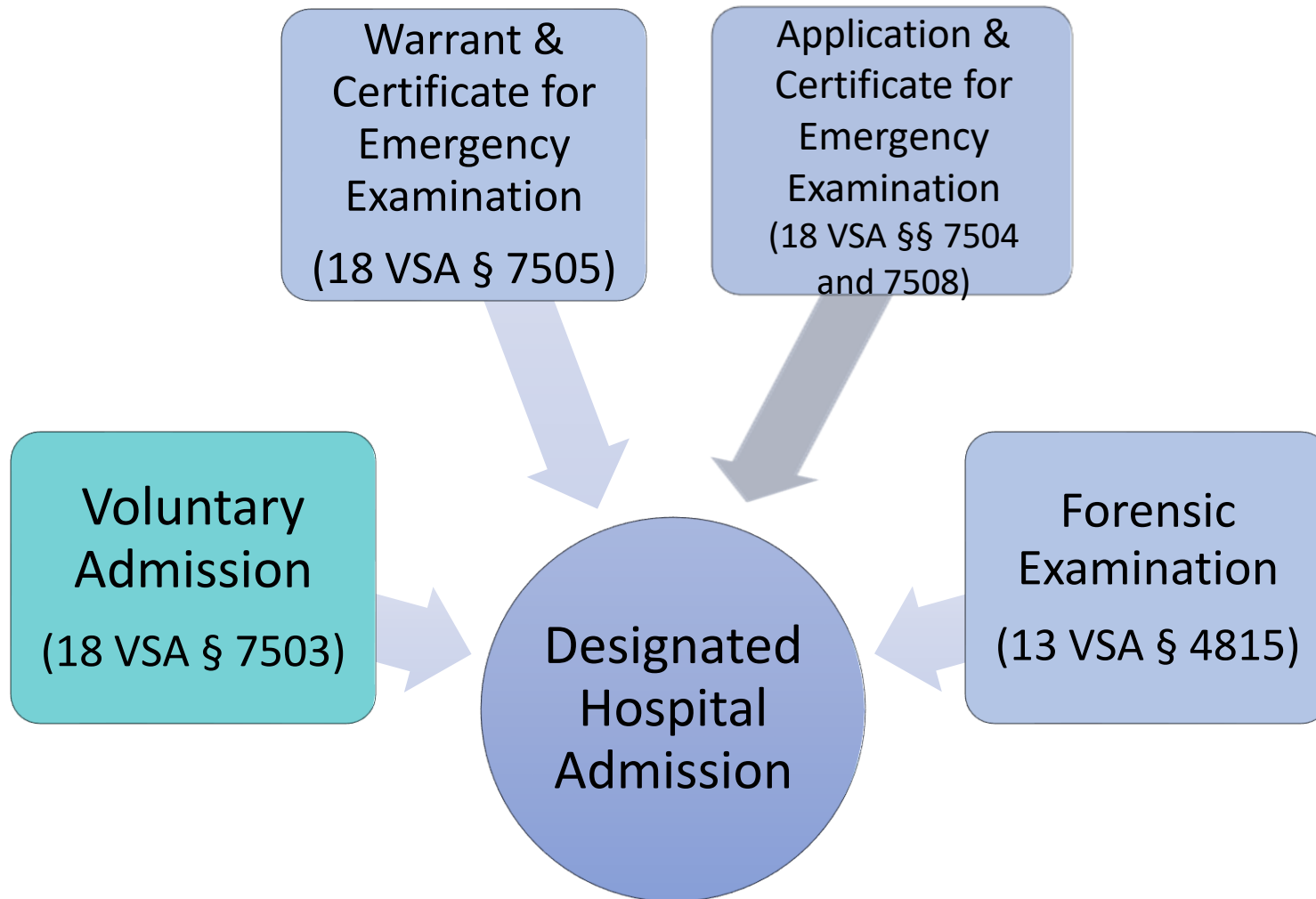


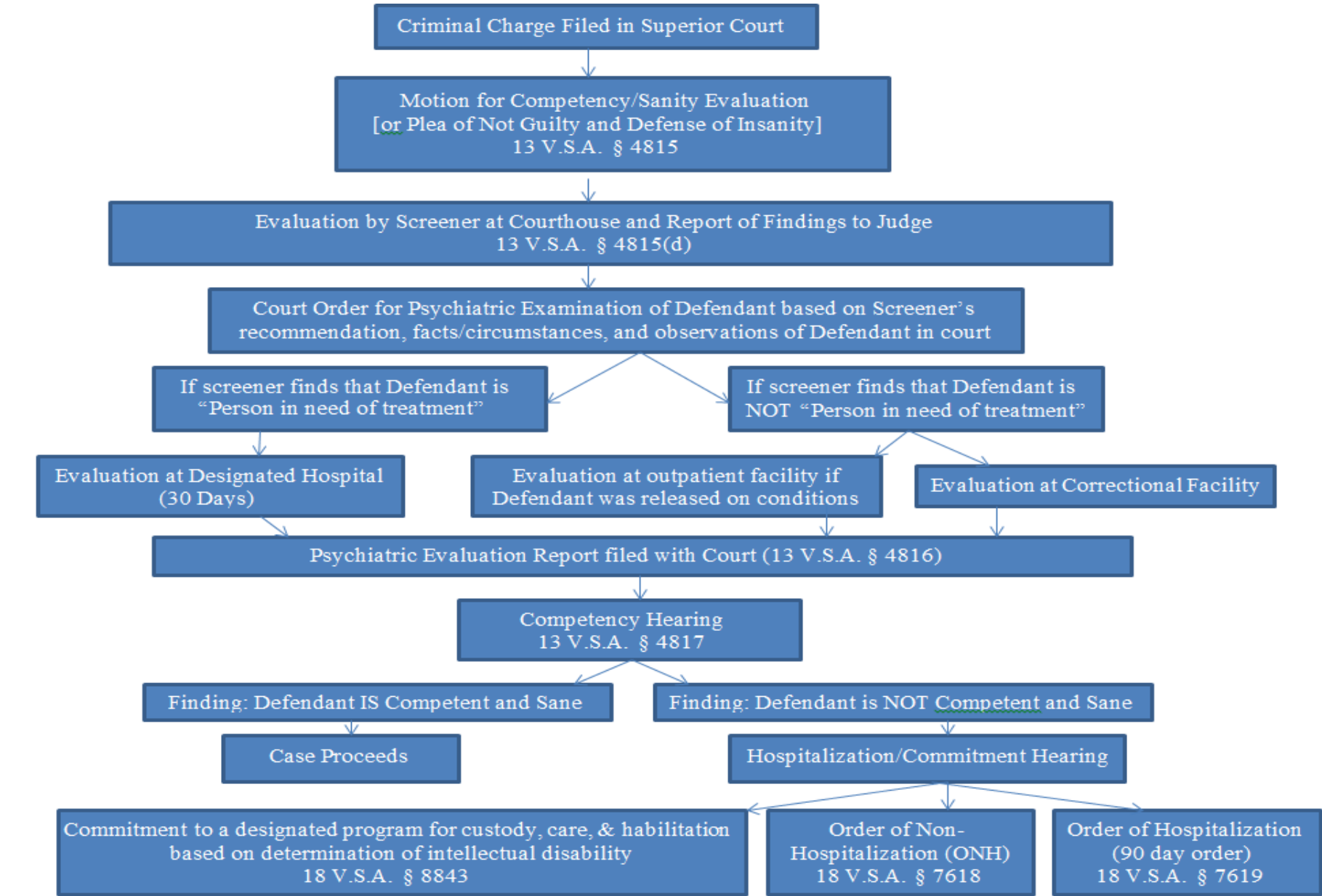
Hospital Admissions



Forensic Admission & Commitment

- If a party or the Court makes a motion for examination:
 - A mental health screening is completed while the defendant is still at the Court
 - Court may order inpatient examination in light of screener's recommendation and other facts/circumstances
- A Court before which defendant is tried (or to be tried) for a criminal offense must hold a hearing to determine if defendant should be committed to CMH, if the defendant is:
 - Found by the examining psychiatrist to be insane at the time of the alleged offense;
 - Found incompetent to stand trial due to mental disease or defect;
 - Not indicted by grand jury by reason of insanity at the time of alleged offense; OR
 - Acquitted at trial by reason of insanity at the time of the alleged offense.

Involuntary Commitment: Criminal Division



Application for Involuntary Treatment

Application

- Application must contain:
 - Written application filed by interested party; AND
 - One of the following:
 - Physician's certification that s/he examined person within 5 days of date AIT is filed and believes person is in need of treatment; OR
 - Applicant's written statement that person refused physician's exam

Counsel; Notice; Exam

- Once AIT is filed, the Court is responsible for:
 - Appointing counsel to the person;
 - Transmitting copies of the application, physician's certification (if any), and notice of hearing to the person, counsel, guardian, State's attorney, etc.
 - As soon as practicable after notice, Court may authorize exam of patient by a psychiatrist other than certifying physician (§7614)

Hearing Date

- Hearing must be held:
 - 10 days from date of AIT's receipt by Court; OR
 - 20 days from date of AIT's receipt by Court if psychiatric exam is ordered under §7614
- Court can grant either party a 7 day continuance for good cause
 - It can grant one or more additional 7 day continuance if certain conditions are met

Expedited AIT Hearing

- Act 192 created a new process: an expedited AIT hearing
- Motion to expedite a hearing can be filed by an applicant or the person who is certified as in need of treatment
- Court may grant order for expedited hearing on AIT if the person has received involuntary medication during the past 2 years and based on person's response to previous & ongoing treatment there is good cause to believe that additional time will not result in person establishing a therapeutic relationship with providers or regaining competence; OR
- Court shall grant order for expedited AIT hearing if the person demonstrates significant risk of causing the person or others serious bodily injury even while hospitalized AND clinical interventions have failed to address the risk of harm to the person or others.
- Expedited timeline:
 - Within 10 days of order being granted.
- Court cannot grant either party an extension under an expedited AIT

AIT versus Expedited AIT

AIT	Expedited AIT
All AITs are considered by Court	<ul style="list-style-type: none">• Court <u>may</u> grant order for expedited hearing on AIT if the person has received involuntary medication during the past 2 years and based on person's response to previous & ongoing treatment there is good cause to believe that additional time will not result in person establishing a therapeutic relationship with providers or regaining competence; OR• Court <u>shall</u> grant order for expedited AIT hearing if the person demonstrates significant risk of causing the person or others serious bodily injury even while hospitalized AND clinical interventions have failed to address the risk of harm to the person or others.
Hearing within 10 days from the date of AIT's receipt by the Court; OR within 20 days from date of AIT's receipt by the Court if psychiatric exam is ordered under §7614	Hearing within 10 days of the Court granting motion
Court may grant each party a onetime continuance for good cause; and one or more additional continuances if certain circumstances are met	No continuances

AIT Hearing & Outcomes

- At AIT hearing, the State has the burden of proving case by clear & convincing evidence
- Initial court orders of hospitalization & nonhospitalization last 90 days

Court finds person = person in need of treatment at time of admission or application

AND

Court finds person = patient in need of further treatment at time of hearing

- Court may order:
 - Hospitalization at a DH;
 - Hospitalization at any other public or private hospital if the person and hospital agree; OR
 - Program of treatment other than hospitalization (i.e. ONH).

Court finds the person \neq person in need of treatment at time of admission and application

OR

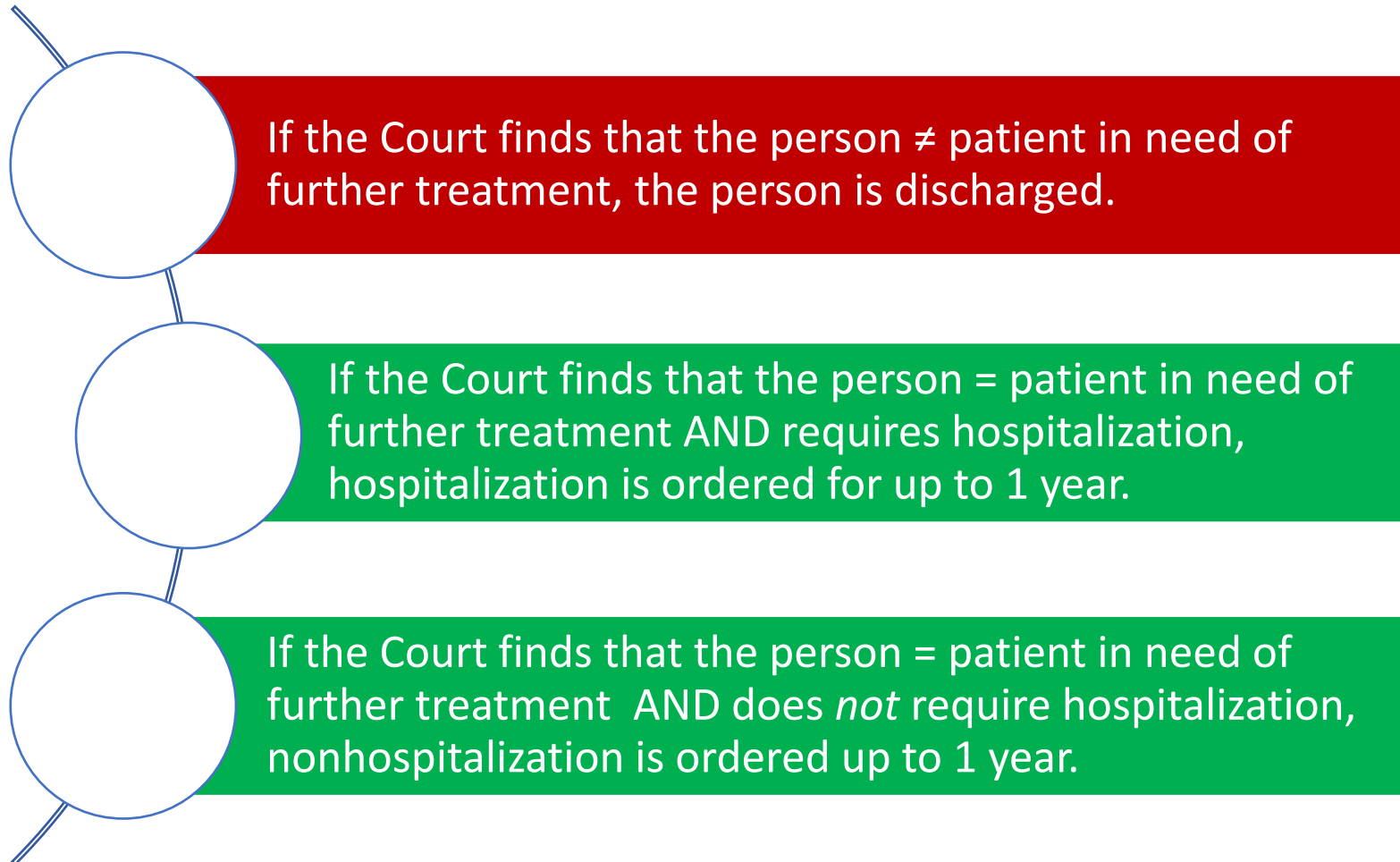
Court finds person \neq patient in need of further treatment at time of hearing

- AIT is dismissed

Application for Continued Treatment

- If prior to expiration of initial OH or ONH, the Commissioner of Mental Health (CMH) believes the person requires continued treatment, CMH applies to Court for determination that person is need of further treatment and for order of continued treatment.
- Application for continued treatment must contain:
 - Reasons for CMH's belief;
 - Statement describing person's current treatment program;
AND
 - Results of current course of treatment.
- If CMH seeks to have person receive continued treatment in a secure residential recovery facility, application must expressly state this placement is being sought.

Application for Continued Treatment: Possible Outcomes



Application for Involuntary Medication

CMH may file an application for involuntary medication of a person refusing to accept psychiatric medication, IF one of the following conditions is met:

<p>Person is in the care and custody of CMH pursuant to an OH or order for continued treatment in a hospital</p>	<p>Person previously received treatment under an OH and is currently receiving treatment under an ONH</p>	<p>Person is in the custody of the Commissioner of Corrections as a convicted felon; Person is held in a designated correctional facility; AND Departments of Corrections and Mental Health have jointly determined that involuntary medication is appropriate</p>	<p>Person has an AIT pending for which court has granted a motion to expedite</p>	<p>Person has AIT pending; Person waives right to hearing on AIT until a later date; and Person agrees to proceed with IM hearing without a ruling on whether s/he is a person in need of treatment</p>	<p>Person has AIT pending for 26+ days w/o hearing; Treating psychiatrist certifies there is good cause to believe additional time will not result in person establishing therapeutic relationship with providers or regaining competence; AND Serious deterioration of person's mental condition is occurring</p>
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- Unless consolidated with AIT, hearings on IM must be held within 7 days of filing the application
- If the requirements of #6 are established, court consolidates AIT & AIM and hears both within 10 days of date of AIM being filed

Application for IM continued

- Application on Involuntary Medication must contain certification from the treating physician with the following information:
 - Nature of person's mental illness;
 - Person is refusing proposed medicine;
 - Person lacks competence to decide to accept or refuse medicine;
 - Necessity of IM;
 - Proposed medication;
 - Risks and benefits of proposed medications;
 - Person's prognosis with and without proposed medications;
 - Person's health and safety;
 - Current relevant facts & circumstances, including history of treatment and medication;
 - Proposed alternative treatments, and reasons for ruling them out; AND
 - Whether person has executed an advance directive.

IM Findings and Outcomes

- A hearing on a application for involuntary medication has 2 possible outcomes:

Court finds person is incompetent to make decision on proposed treatment

AND

that involuntary medication is supported by factors

- Application granted in whole or part with reference to supporting factors
 - Order specifies medication type, permitted dosage, length and method of administration
 - Order requires provider to review use of IM weekly

Court finds person is competent to make decision on proposed treatment

OR

that involuntary medication is *not* supported by factors

- Application for IM is denied

- If the person subject to the order for IM becomes competent, the order is no longer in effect