



MONTANA STATE HOSPITAL POLICY AND PROCEDURE

ADMISSION POLICY FOR MONTANA STATE HOSPITAL

Effective Date: May 2, 2005

Policy #: AD-01

Page 1 of 8

I. PURPOSE: All admissions to Montana State Hospital are regulated by the laws enacted by the Montana State Legislature. These laws are contained in the Montana Code Annotated (M.C.A.) Section 53-21-101 through 53-21-198, 53-22-101-106, and 46-14-101 through 46-14-313. The information that follows is meant to provide policy and procedure for meeting these statutory requirements and coordinating admission procedures with community agencies.

II. POLICY:

A. Admission to Montana State Hospital will occur only after a determination has been made that there is a legal basis for the admission under an applicable provision of Montana statute and Administrative Rules. This determination is normally made by Montana District Courts in either civil or criminal proceedings, or in the case of voluntary admissions, by designated community mental health center staff members in accordance with procedures set forth in the Administrative Rules of Montana. Montana State Hospital will provide any necessary assistance to mental health professionals, county attorneys, and other individuals or agencies in order to ensure that proper admission procedures are followed. The Hospital Admission Coordinator has primary responsibility for coordinating admissions with outside agencies and ensuring that all legal requirements are met and necessary information is obtained. In all cases, every effort will be made to place the highest priority on meeting the patient's need for treatment and protecting his/her rights.

B. Admission Criteria:

1. Appropriate referrals to Montana State Hospital are based upon:
 - a. A finding that an individual has a mental disorder and requires commitment, and that other less-restrictive services are not available or adequate to meet his/her needs; or
 - b. An order by a district court in the state of Montana for a qualified psychiatrist or licensed clinical psychologist of Montana State Hospital to examine and report upon a defendant's mental condition as part of criminal court proceedings as provided for under Section 46-14-206 M.C.A.

- c. Admissions will take place on either the Acute Psychiatric Program, the Forensic Program, or the Geriatric Program depending on clinical and legal circumstances of the individual.

III. DEFINITIONS:

- A. Mental Disorder – any organic, mental, or emotional impairment that has substantial adverse affects on an individual’s cognitive or volitional functions (Note: per Montana statute, the term does not include (a) addiction to drugs or alcohol, (b) drug or alcohol intoxication, (c) mental retardation or (d) epilepsy.
- B. Certified Mental Health Professional – a medical doctor or a person who has met educational, experience and exam requirements established by A&MDD of DPHHS.
- C. Commitment – an order by a court requiring an individual to receive treatment for a mental disorder.
- D. Interstate Compact – a state-to-state agreement allowing the transfer or an individual from a state operated hospital to one in another state.

IV. RESPONSIBILITIES:

- A. Admission Coordinator
 - 1. Responsible for overseeing all aspects of the admission process until the patient is escorted to the unit.
 - 2. Collects clinical information on prospective admissions and distributes to various MSH departments.
 - 3. Reviews incoming legal paperwork and consults with AMDD Legal Unit as needed.
 - 4. When possible, conducts a brief face to face interview with the person to be admitted (unless not clinically indicated) for the purpose of providing education to that person regarding MSH and to request permission to contact the person’s family/significant other in order to provide education of the hospital and notify of their arrival.
 - 5. Serves as Interstate Compact Coordinator for Montana State Hospital.
 - 6. Ensure that all clerical responsibilities associated with the admission process and reviewing of legal documents regarding the admission are complete.

V. PROCEDURE:

- A. Referring professionals or agencies will be requested to provide the following information at the time notification of an admission is made:
 - 1. Identifying information for the individual being admitted.
 - 2. Specific behavior, symptoms, and conditions upon which the decision to admit to Montana State Hospital is based.
 - 3. Information regarding community-based alternatives which have been tried (i.e., local hospital, private therapist, or mental health center services), or the rationale for not using available alternatives.
 - 4. Past and current data relevant to immediate care and treatment, including current information about medication, medication history, physical health problems, reports of previous diagnostic workups, pending criminal charges, and involvement with community mental health services.
 - 5. Recommendations for treatment at MSH and information to assist in discharge planning.

- B. Persons under the age of eighteen (18) may not be admitted to Montana State Hospital (Section 53-21-506 M.C.A.), except in cases where criminal proceedings against a juvenile are moved to district court pursuant to Section 41-5-206 M.C.A. This section of the Montana Code allows for transfer of criminal proceedings against a juvenile to be moved from youth court to district court. If this occurs, an evaluation pursuant to Section 46-14-202 M.C.A. may be ordered and completed at Montana State Hospital

- C. Types of civil admissions to Montana State Hospital:
 - 1. Voluntary Admission (Section 53-21-111 M.C.A. and 20.14.301-308 Administrative Rules of Montana):
 - a. Voluntary admission procedures must be consistent with the requirements specified in state statutes and the administrative rules. These include requirements that a fully certified mental health professional person finds that the applicant has a serious mental disorder; and a designated voluntary admission screener from a community mental health center confirms that needed services are not available on the local level. Specific forms for voluntary admission applications are available from the designated voluntary admission screeners. Completed forms must be received by Montana State Hospital prior to or at the time of admission.
 - b. Should a person arrive at Montana State Hospital and request voluntary admission without the procedure described above having been completed, the

admission coordinator or designee will contact the Medical Director or on-call psychiatrist who will conduct a medical and psychiatric evaluation. Upon completion of this evaluation, the admission coordinator or designee will contact the appropriate voluntary admission screener from the local mental health center for voluntary admission screening. The voluntary admission screener from the mental health center and MSH staff will then confer regarding the most appropriate, least restrictive services necessary. If necessary, Montana State Hospital will provide necessary assistance in arranging or providing transportation to assist the individual in accessing other services that are determined to be more appropriate. A Walk-In Admission Request Form will be completed to provide information about the individual making such a request and actions taken by Hospital and community mental health center staff. If the individual has been seen by Crisis Response staff, a copy of their emergency contact form will be requested.

2. Involuntary Commitment (Section 53-21-127 M.C.A.):

Montana State Hospital will accept for admission any person a district court has found to have a mental disorder and in need of involuntary commitment to Montana State Hospital. A signed, valid court order to this effect must be presented to the Hospital prior to or at the time of admission. Orders received by fax machine will be accepted provided that certified copies will be mailed as soon as possible.

3. Emergency Detention (Section 53-21-129 M.C.A.)

Under this statute “a peace officer may take any person who appears to be seriously mentally ill and, as a result of serious mental illness to be a danger to others or to himself, into custody only for sufficient time to contact a professional person for emergency evaluation.” If upon completion of the evaluation, it is determined that the person is seriously mentally ill, and an emergency situation exists, Montana State Hospital may be utilized for emergency detention. Requirements for this type of admission are as follows:

- a. there is no facility locally able to detain the individual;
- b. the county attorney or other designated personnel in the county have contacted Montana State Hospital to determine that a bed is available;
- c. the county attorney provides Montana State Hospital with a written request for emergency detention. A request received by fax machine is acceptable.

Under Montana Law, an individual admitted on Emergency Detention status may be detained and treated until the next business day. It is the responsibility of the county attorney requesting the detention to ensure that statutory requirements are met. The Admission Coordinator will monitor the

status of persons admitted on Emergency Detention status, and refer problems or questions to the Addictive & Mental Disorders Division's legal staff.

4. Court Ordered Detention (Section 53-21-120 M.C.A.):

A person can be detained at Montana State Hospital pending a final commitment hearing for up to five days including weekends and holidays, unless the fifth day falls upon a weekend or holiday and unless additional time is requested on behalf of the respondent. Other provisions under 53-21-120 or 125 M.C.A. apply if the respondent requests a jury trial. Responsibility for setting hearing dates rests with the presiding district court.

5. Inter-Institutional Transfer (Section 53-21-130 M.C.A.):

The statute on Inter-Institutional Transfers allow residents of other state institutions to be transferred to Montana State Hospital for up to ten days for evaluation and treatment. In accordance with these requirements, transfers will be accepted under the following provisions:

- a. Staff of other institutions consult with the hospital's Admission Coordinator as part of the process of making the decision to transfer;
- b. It is the responsibility of the referring agency to immediately give notice of the transfer to any assigned counsel or to the parents, guardians, friend of the respondent, or conservators;
- c. The referring institution is requested to provide information about the reason for the transfer, presenting symptoms, and recommendations for treatment to the hospital in advance of the transfer;
- d. Persons transferred from state correctional institutions will be placed on the Forensic Treatment Program.

Before the end of the ten-day period, the patient must be returned to the original institution unless an involuntary commitment petition is filed in district court or voluntary admission procedures are instituted.

6. Revocation of Conditional Release (Section 53-21-197 M.C.A.)

A person discharged from Montana State Hospital on Conditional Release status may be returned to the hospital during the period of original commitment if a court has determined that the individual has violated the terms and conditions specified in the release agreement and a deterioration of their mental disorder has occurred as a result. Transportation to return the patient to the Hospital is the responsibility of the local Sheriff's Department. Montana State Hospital does not assume responsibility for liability, provision of support or transportation for conditionally released patients.

7. Interstate Compact Transfer (Section 53-22-101-106 M.C.A.)

Montana State Hospital will accept patients through the procedures specified in the Interstate Compact Agreement on Mental Health.

- a. The Interstate Compact Coordinator for Mental Health for the State of Montana is the Admission Coordinator at Montana State Hospital. All requests for admission under the Interstate Compact Agreement will be made to the Admission Coordinator.
- b. The Admission Coordinator will consult when necessary with other members of Montana State Hospital and the Addictive & Mental Disorder Division admission staff on referrals for transfer.
- c. Interstate Compact Transfers to Montana State Hospital shall be voluntary in nature – The patient must complete a Consent To Transfer form at the time application for transfer is made and a signed voluntary admission application must be received by the hospital in advance of the transfer.

8. Indian Health Service Involuntary Commitment:

Montana State Hospital will accept for admission enrolled tribal members living on reservations provided the reservation is a participant in the Department of Public Health and Human Services contract with the Indian Health Service for up to 90 days of psychiatric treatment at Montana State Hospital. In cases where a reservation does not participate in Indian Health Services programs, a tribal court order for commitment will be recognized by Montana State Hospital, provided that the order has been cosigned by a Montana District Court Judge to validate that the commitment is consistent with provisions of Montana law.

D. Types of admissions under criminal court procedures (Section 46-14, M.C.A.): In accordance with statutes contained in Section 46-14 M.C.A., admissions to Montana State Hospital can occur in conjunction with charges and/or final disposition of cases involving felony charges. These types of admissions are as follows:

1. Court Ordered Examination (C.O.E.) (Section 46-14-202 and 204, M.C.A.):

A district court may order a criminal defendant to be placed at Montana State Hospital in order to be examined by a qualified psychiatrist or licensed clinical psychologist. The examining professional does not necessarily have to be a member of the Hospital's staff. The period of time for the evaluation shall not exceed 60 days unless a longer period is determined to be necessary by the court.

Authorities requesting a criminal court ordered evaluation will be requested to schedule the admission in advance with the Admission Coordinator in order to ensure that evaluations can be completed promptly. The county of commitment

Montana State Hospital Policy and Procedure

will be billed for all costs associated with completion of the evaluation including hospital per diem rates, professional services, and medical tests. The Admission Coordinator will discuss billing procedures with referring authorities at the time of inquiry about C.O.E. admission is made. The Admission Coordinator will also provide assistance to local authorities in finding a community-based qualified professional to conduct the exam locally.

2. Unfit to Proceed (UTP) (Section 46-14-221, M.C.A.):

The court may, on the basis of a court ordered examination, find that a defendant lacks fitness to proceed and may suspend criminal proceedings. In such instances, the court may order the defendant to be committed to Montana State Hospital “for so long as the unfitness endures.” The Hospital must submit a report regarding the defendant’s fitness to stand trial in sufficient time for the matter to be reviewed by the court within ninety (90) days of admission.

3. Not Guilty by Reason of Mental Illness (NGMI) (Section 46-14-301, M.C.A.):

If a defendant in criminal proceedings is found not guilty due to a mental illness and the offense “involved a substantial risk of serious bodily injury or death, actual bodily injury or substantial property damage, the court may find that the defendant suffers from a mental disease or defect that renders the defendant a danger to the defendant or others.” (46-14-301[2(a)]). The court may then commit the person to the Director of the Department of Public Health and Human Services to place in an appropriate mental health facility for care, custody and treatment. The Hospital must submit a report to the court and a hearing must be held within 180 days for the purpose of determining whether the person can be released or whether commitment may be extended. In the event commitment is extended, a professional person shall review the status of the committed person each year (46-14-301(5) and 46-14-302 M.C.A.).

4. Guilty But Mentally Ill (GBMI) (Section 41-14-312, M.C.A.)

The court, upon finding that a convicted defendant suffered from a mental disease or defect at the time of the commission of the offense may commit the defendant to the custody of the Director of the Department of Public Health and Human Services for placement in an appropriate institution for care, custody and treatment. The duration of this commitment is for a definite period of time which may not exceed the maximum term of imprisonment that could be imposed. The status of a person committed under a court ordered sentence shall be reviewed each year by a professional person in accordance with 46-14-312(4) and 46-14-302 M.C.A.

Montana State Hospital Policy and Procedure

ADMISSION POLICY FOR MONTANA STATE HOSPITAL	Page 8 of 8
---	-------------

5. Revocation of Conditional Release (Section 46-14-304 M.C.A.):

A person on criminal conditional release status pursuant to 46-14-302 M.C.A. may be admitted upon revocation of the conditional release. The revocation must be authorized by district court. The court may retain jurisdiction to revoke a conditional release for no longer than 5 years.

VI. REFERENCES: Montana Code Annotated (M.C.A.) Sections 53-21-101-198; 53-21-506; 53-22-101-106; 46-14-101-313; 41-5-206

VII. COLLABORATED WITH: Montana State Hospital Admission Coordinator; Director of Quality Improvement; Legal Unit and Addictive & Mental Disorder Division.

VIII. RESCISSIONS: #AD-01, *Admission Policy for Montana State Hospital* dated November 17, 2004; #AD-01, *Admission Policy for Montana State Hospital* dated May 15, 2001; #AD-01, *Admission Policy for Montana State Hospital* dated February 14, 2000; HOPP #AD-01-01, *Admission Policy for Montana State Hospital*, July 14, 1995; HOOP #13-01E.D.102092, *Admitted on Emergency Detention Status* dated October 1992.

IX. DISTRIBUTION: All hospital policy manuals.

X. ANNUAL REVIEW AND AUTHORIZATION: This policy is subject to annual review and authorization for use by either the Administrator or the Medical Director with written documentation of the review per M.C.A. § 307-106-330.

XI. FOLLOW-UP RESPONSIBILITY: Social Work Discipline Chief/Admissions Coordinator

XII. ATTACHMENTS: Voluntary Admission Screening Forms:

- Attachment A – Application for Admission
- Attachment B – Referral and Certificate
- Attachment C – Informed Consent
- Attachment D – Supplemental Information
- Attachment E – Certification of Admission
- Attachment F – Admission Information
- Attachment G – Walk In Admission Request Report

_____/____/____
Ed Amberg Date
Hospital Administrator

_____/____/____
Randy Vetter Date
Admissions Coordinator/Social Work Chief