NORTHERN NEVADA ADULT MENTAL HEALTH SERVICES

POLICY AND PROCEDURE

SUBJECT: DISCHARGE OF COURT COMMITTED CONSUMER

NUMBER: NN-RI-18

ORIGINAL DATE: 03/17/89

REVIEW/REVISE DATE: 04/14/93, 06/30/95, 01/11/01, 07/08/04, 10/19/11

APPROVAL:, Allan Mandell, Interim Agency Director

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I. PURPOSE

The purpose of this policy is to establish procedures for processing the paperwork required to discharge a court-committed patient and for notifying the court, district attorney, and/or public defender regarding placement on conditional or unconditional leave for court-committed consumers.

II. POLICY:

It is the policy of NNAMHS to ensure that the court is notified and approves of conditional or unconditional release of a consumer on a legal commitment.

II. DEFINITIONS

1. Mentally Ill Person (NRS 433a.115)
   a. Per NRS 433A.120 to 433A.330, inclusive, unless the context otherwise requires, " mentally ill person" means any person whose capacity to exercise self-control, judgment, and discretion in the conduct of his personal affairs and social relations or to care for his personal needs is diminished to the extent that he presents a clear and present danger of harm to himself or
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others, but does not include any person in whom capacity is diminished by epilepsy, mental retardation, Alzheimer's disease, brief periods of intoxication caused by alcohol or drugs or dependence upon or in addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.

b. A person presents a clear and present danger to self. (Refer to Legal 2000 R form.)

c. A person presents a clear and present danger of harm to others. (Refer to Legal 2000 R form.)

2. Conditional Leave – Leave status of a court committed patient who is released prior to the expiration of court commit. Commit order remains in effect and patient may be readmitted on the same order.

3. Northern Nevada Adult Mental Health Services – NNAMHS

4. Health Information Services – H.I.S.

3. Unconditional Leave – Status of a court committed patient who is released prior to expiration of the commitment order or at the end of the commitment period. The court order no longer remains in effect.

4. Expiration of court commitment – Six months from date of court order.

5. Ten day notification – Unless waived by the court, NNAMHS will notify the court of pending discharge ten days prior to patient's release. Patient can be discharged prior to ten days without waiver only with the permission of the court and/or district attorney.

III. REFERENCES

1. Nevada Revised Statutes 433A.380 and 433A.390.

2. Division Mental Health/Developmental Services Orientation and Policy Manual, Administrative policy Memorandum 85-9 "Provision of Notice To Court".

IV. PROCEDURES

1. Notification of Release – NNAMHS will send notification of conditional or unconditional leave to the court, district attorney, and public defender ten days prior to placing court-committed patients on conditional or unconditional leave status. (The ten-day notification can be waived by the court.)
2. Conditional Release – Persons involuntarily admitted by the court may be released from NNAMHS on conditional leave, when in the judgment of the physician and treatment team, the conditional status is in the best interest of the person and will not be detrimental to the public welfare.
   a. The HIS staff will prepare the Notice of Conditional Release and obtain the agency director's signature.
   b. The Notice of Conditional Release will be submitted to the court, district attorney, and public defender.
   c. A copy will be placed in the patient record.
   d. The patient may be discharged prior to receipt of agency director's signature and proof of receipt by the court.
3. Unconditional Release – Notice to court; early release. The patient may be released without requiring further court orders once the time specified in the order has ended or the ten-day notification has been waived. If the ten-day notice has not been waived, the District Attorney and the Court must be notified at least ten days prior to the release of the patient.
   a. The physician will write a discharge order, i.e., "Discharge to self", etc.
   b. The social worker or physician will notify the HIS Department that the patient is being discharged.
   c. If the ten-day notification has not been waived by the court, the social worker will call the district attorney to obtain verbal approval.
   d. If the district attorney denies the patient's discharge plan:
      (i) The consumer will be scheduled to attend the next court session.

(ii) The social worker will notify HIS department in order to ensure the consumer' s placement on the court schedule.

(iii) The social worker will prepare a Request for Ten Day Waiver and present copies to the court, district attorney, and public defender for final determination.

(iv) A copy of the Request for Ten Day Waiver will be placed in the patient record.

(v) The HIS staff will prepare the Notice of Unconditional Release and obtain the agency director' s signature.

A. The Notice of Unconditional Release will be submitted to the court, district attorney, and public defender.

B. A copy will be placed in the patient record.

C. Readmission of a patient on unconditional leave can be voluntary or require a Legal 2000 prepared by the referring facility, which will initiate the legal process for commitment for the current admission.

(vi) If a copy of the conditional leave order is required by the family, board and care, etc., the social worker will obtain an authorization for release information from the patient and the social worker will send the document to the named person/ agency.