



ECHO IDAHO: **Behavioral Health in Primary Care**

Mental Health Holds

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None of the planners or presenters for this educational activity have relevant financial relationship(s) to disclose with ineligible companies whose primary business is producing, marketing, selling, re-selling, or distributing healthcare products used by or on patients.

Learning Objectives

- Criteria for a mental health hold
- Who can file a mental health hold?
- Steps of the legal process of a mental health hold

Criteria

- An individual who is a risk to self
- An individual who is a risk to others
- An individual who is considered to be gravely disabled due to mental illness
 - As a result of mental illness, a person has demonstrated an inability to:
 - Attend to basic needs
 - Protect self from harm/victimization by others
 - Recognize symptoms of illness and lacks insight into the need for treatment

Who can place a patient on a hold?

- Peace officer
 - Includes state probation and parole officers
 - Will place individual into custody and place in a hospital or mental health facility
- Physician
 - Includes a physician's assistant or advanced practice registered nurse

Steps of Legal Process

- Application for Commitment gets filed
 - Completed by peace officer or physician, sent to Region of where hold is filed and Prosecuting Attorney's office
- Application for Commitment reviewed by a judge
 - A judge signs a Temporary Custody order within 24 hours of initiation of the hold
- Temporary Custody is then in place and initiates a First Designated Examination
 - First Designated Examiners are licensed Master's Level clinicians, employed by Health and Welfare

Steps of Legal Process continued..

- First Designated Examiner has 24 hours within time of Temporary Custody order to evaluate the patient.
 - First DE will also gather information from collateral contact, attending psychiatrist and assigned social worker to make most appropriate determination for the patient. First DE then has 24 hours to file determination with the court.
- If the patient is deemed safe/able to function in the community, first DE will file a “negative certificate”. At this point, the hold ends and the patient can be discharged into the community.
- If the patient is deemed unsafe/unable to make decisions, first DE will file a “positive certificate” and patient will stay in the hospital.

Steps of Legal Process

- Involuntary Detention gets signed by a judge, initiates a Second Designated Examiner
 - Second Designated Examiners are doctoral level clinicians, who work for the court
- Second DE has 72 hours to see the patient from the signing of the Involuntary Detention
 - Interviews patient and obtains collateral information before making determination
 - Same process for filing as First DE

Steps of Legal Process continued...

- If the Second DE files a positive certificate with court, a court hearing will get scheduled
- First DE has to re-assess the patient 24 hours prior to the court hearing to determine whether the patient can be dismissed or would benefit from a court hearing for further treatment
- If the First DE determines the patient is stable, they will then file a negative certificate and patient can discharge.
- Patient can choose to attend their court hearing (will consult with a defense attorney) or can stipulate (agree to a commitment without a hearing)

Possible Outcomes of a Court Hearing

- Commitment
 - Patient is deemed to need further stabilization and is committed with the state
 - Stay at the psychiatric hospital while awaiting placement at State Hospital North or South
 - A Commitment specialist will follow patient during commitment; can dismiss patient if stable prior to State Hospital transfer
- Continuance
 - A patient can agree to a 5-7 day continuance if it is believed that patient needs more time to clear
- Dismissal
 - Case ends, patient does not need commitment/is stable for discharge

Notes

- Each county/region interprets the statute differently
 - Holidays/weekends
 - Some regions do not do continuances
- “24” hour and “72 hour” hold myth
- Exclusionary criteria
 - Guardianship
 - Neurological disorder
 - Developmental disabilities

References

- [Idaho State Legislature – Statute 66-329](#)
- [Idaho State Legislature – Statute 66-326](#)

Session Resources

- Session resources coming soon!



Check back after the session for resources that were referenced in the presentation or session chat and patient case recommendations.