

Missouri Division of Alcohol and Drug Abuse

Bulletin Number: 008	CLINICAL SERVICES BULLETIN	Effective Date: 2-2-2009
<input type="checkbox"/> New	Subject: Civil Involuntary Detention Orders: Addressing CIMOR and Clinical Utilization Review Issues	Number of Pages: 4

1. Programs Affected

- 1.1 Primary Recovery Plus (PR+), Enhanced Primary Recovery Plus (EPR+), ADA Department of Corrections Primary Recovery Plus (DOC PR+) are directly affected by the information in this bulletin. Comprehensive Substance Treatment and Rehabilitation (CSTAR) programs may potentially be impacted by this information.

2. Definitions

- 2.1 A person who presents a likelihood of serious harm to self or others as the result of alcohol or drug abuse may be involuntarily detained for evaluation and treatment at an alcohol/drug abuse facility recognized by the Department of Mental Health.
- 2.1.1 **Community-Based Civil Commitment.** A person residing in the community can be committed in one of two ways:
- a) Probate Court Commitment. A **probate judge** reviews the application made by any adult person, and, finding probable cause to order the commitment, orders a Peace Officer to take the person into custody and transport them to a recognized facility.
 - b) Imminent Harm Commitment. A Peace Officer completes an application for imminent harm and takes the person into custody and transports the person to a recognized facility.
- 2.1.2 **Facility-Based Civil Commitment.** A person receiving services from, or who presents to, a recognized facility may be involuntarily detained upon application by a mental health professional or qualified substance abuse professional who has been designated by the head of the facility and approved by the Department of Mental Health.¹

- 2.2 A Civil Involuntary Detention is **not** the same as a Drug Court recommendation or sanction, or a Probation/Parole Office mandate. A Civil Involuntary Detention (commonly referred to as “court ordered treatment”) describes the status of either a community-based or facility-based civil commitment. A person involuntarily detained through a community-based commitment is usually transported to the facility via law enforcement and official commitment forms must accompany the person.
- 2.3 Commitment intervals for individuals detained for drug/alcohol abuse are 96 hours, 30 days, and 90 days.
- 2.3.1 **Ninety-six (96) Hours** – shall be construed and computed to exclude Saturdays, Sundays and legal holidays which are observed either by the court or by the mental health facility where the respondent is detained.
- 2.3.2 **30 Days/90 Days** – these time frames are computed as calendar days.

3. Detention Environments

- 3.1 All involuntary commitments start with a 96-hour detention, which can occur in a state psychiatric hospital or in a substance abuse treatment program that provides detox services. Thirty (30)-day substance abuse commitments that follow 96-hour holds may only be made to programs with both detox and residential support.
- 3.2 The following Codes of State Regulations reference involuntary commitments:
- 3.2.1 Detoxification ~ 9 CSR 30-3.120(8) *The program handles applications for civil detention of intoxicated persons in accordance with sections 631.115, 631.120 and 631.125, RSMo 2000 unless a waiver is granted in writing by the department.*
- 3.2.2 Residential Treatment ~ 9 CSR 30-3.140(6) *The program handles applications for continued civil detention in accordance with sections 631.140, 631.145 and 631.150, RSMo 2000.*
- 3.2.3 Specialized Program for Women and Children ~ 9 CSR 30-3.190(9)(F) *If a specialized program for women and children provides detoxification services, it shall comply with applicable standards under 9 CSR 30-3.120 Detoxification. A specialized program for women and children shall not be required to accept applications for ninety-six (96)-hour civil detention of intoxicated persons due to the presence of children within the facility.*

4. CIMOR Data Entry

4.1 Admitting a Consumer – Commitment Tab. After searching and selecting consumer in CIMOR, “Episodes of Care” should be selected on the navigator. Select “Add New Admission” on open page.

4.2 Under the “Admission Info” tab, you will need to select an “Admission Reason.” The following Admission Reasons should be used for Civil Involuntary Detentions:

4.2.1 **Commitment** – the consumer has been involuntarily admitted to receive inpatient/residential services without a court order, but rather with a Peace Officer’s Imminent Harm application. Forms presented to the facility for a 96-hour commitment of this type must include:

- *DMH 132 – Application Imminent Harm*
- *DMH 142 – Affidavit*
- *DMH 137 – List of Witnesses.*

4.2.2 **Court Ordered & Commitment** – a court has issued an order for the consumer to receive inpatient services.

- The forms issued by the court and presented to the facility for a **96-hour** commitment of this type should minimally include the *DMH 129 or OSCA MH 20 – Order for 96 Hour Detention.*
- The forms issued by the court and presented to the facility for a **30-day** commitment should minimally include the *DMH 136, OSCA MH 40 – Judgment for Involuntary Detention.*
- The forms issued by the court and presented to the facility for a **90-day** commitment should minimally include the *DMH 136, OSCA MH 40 – Judgment for Involuntary Detention.*

4.3 Under the “Commitment” tab, you will need to select an “Admission Type.” The most appropriate for the consumer’s situation should be chosen.ⁱⁱ For example, if the consumer’s Admission Reason was **Commitment**, then one of the “involuntary” commitment options in the drop down box would be chosen and the corresponding county selected. There must be at least one primary commitment that matches the admission date.

- 4.4 Once the admission has been completed and saved, select “Court Orders” from the navigator under Episodes of Care to record specific information about the court order. For **Court Ordered & Commitment** situations, include the name of the judge who signed the order, the court the judge represents, form numbers from accompanying commitment documents, and the issue date of the order. For **Commitment** situations, include the name of the peace officer, jurisdiction of peace officer, form numbers from accompanying commitment documents and the date of the commitment.

5. Clinical Utilization Review

- 5.1 As 96-hour detention orders do not include weekends or holidays, the 96-hour period may go beyond the number of days allowed in the Detox Basic level (3 or 5 days). Thirty (30) -day detention orders will require additional service authorization in PR+ programs. CIMOR is not currently designed to distinguish involuntary detentions from regular admissions; thus, such requests must go through Clinical Utilization Review.

5.1.1 To expedite the Utilization Review process, the following pertains to the request for authorization for detoxification extensions and/or residential extensions:

- The Clinical Justification form does NOT need to be completed when requesting authorization to comply with an involuntary detention order.
- Rather, in the **Requester Comments** box, simply note that this is a 96-hour or 30-day involuntary detention, then refer to the commitment info previously entered under the “Court Orders” section under the EOC (see 4.4 above). If the commitment info was NOT entered in that section, it should be entered in the Requester Comments section so the clinical reviewer can simply authorize the extension request.

ⁱ Additional information on facility-based commitment can be found in the Missouri Department of Mental Health’s *Quick Reference Guide for Civil Involuntary Detention*, August 2008.
<http://www.dmh.mo.gov/cps/facts/QuickReferenceGuideforCID08.pdf>

ⁱⁱ Additional information regarding the entry of involuntary commitment data can be found in the Division of Alcohol and Drug Abuse’s *Guidance on ADA Data Collection and Reporting in CIMOR*, Revised Draft January 2009.
http://www.dmh.mo.gov/ada/ADACIMORGuidanceDocumentFinal07_17_08.pdf