

<p>APPLICATION FOR HOSPITAL EXAMINATION AFTER FAILURE TO COMPLY WITH ORDER FOR ASSISTED OUTPATIENT TREATMENT</p>	<p>Person's Name (Last, First, M.I.)</p> <p>Sex Date of Birth / /</p> <p>Address</p>
---	---

GENERAL INFORMATION

Section 9.60(n) of the Mental Hygiene Law (MHL) sets forth circumstances under which a person who is subject to an order for assisted outpatient treatment (AOT) may be taken into custody and transported to a hospital for evaluation to determine if the person should be admitted for psychiatric care and treatment. MHL Section 9.63 provides that, in carrying out such transportation, appropriate attempts shall be made to elicit the cooperation of the person to be transported prior to resorting to compulsory means of transportation.

The procedure established in section 9.60(n) begins with a determination by a physician that the person has failed or has refused to comply with the AOT order and that efforts were made to solicit compliance with the order. In addition, the physician must conclude that the person **MAY**:

- (i) *be in need of involuntary care and treatment in a hospital providing inpatient services for persons with mental illness, pursuant to MHL Section 9.27(see FORMS OMH 471 and 471 A),*
- OR -
- (ii) *have a mental illness for which immediate observation, care and treatment in a hospital is appropriate and which is likely to result in serious harm to self or others, pursuant to MHL Sections 9.39 or 9.40 (see FORMS OMH 474 and 476).*

"In need of involuntary care and treatment" means that a person has a mental illness for which care and treatment as a patient in a hospital is essential to such person's welfare and whose judgment is so impaired that he is unable to understand the need for such care and treatment (see MHL Section 9.01).

"Likely to result in serious harm" means (a) a substantial risk of physical harm to the person as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that the person is dangerous to himself or herself, or (b) a substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm (see MHL Section 9.01).

Upon such a determination by a physician, a request is made by the physician to: (1) a director of an AOT program; (2) the designee of the AOT program director; or (3) a physician designated by the director of community services under MHL Section 9.37, to direct that the person be taken into custody and transported to a hospital for evaluation. (see Part A below). The director, designee or physician appointed pursuant to section 9.37 then determines whether to direct that the person be taken into custody and transported to a hospital (see Part B below). Under MHL Section 9.60(n), an approved mobile crisis outreach team, an ambulance service, or a police officer or an appropriate peace officer can be directed to take the person into custody for transport to a hospital. The hospital to which the person is transported must be one operating an AOT program or one authorized by the county director of community services to receive persons subject to AOT orders.

A physician at the receiving hospital shall evaluate the person's need for involuntary care and treatment within a 72 hour period from receipt at the hospital. If the physician at the hospital confirms that the person needs involuntary care and treatment, the person shall be admitted as a patient.

PART A REQUEST FOR ASSISTED OUTPATIENT TO BE EXAMINED

Pursuant to the authority granted to me under Section 9.60(n) of the Mental Hygiene Law (MHL),

I, _____ M.D., hereby request that _____ be removed to

_____ , a hospital for examination.

