

Policy/Procedure: DRH Behavioral Health Involuntary Commitment		
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Applicability:

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| <input type="checkbox"/> Ambulatory Surgery Center Arrington | <input type="checkbox"/> Duke University Hospital (DUH) (both campuses) |
| <input type="checkbox"/> Davis Ambulatory Surgery Center (DASC) | <input type="checkbox"/> Durham Campus Only |
| <input type="checkbox"/> Duke Health Integrated Practice (DHIP) | <input type="checkbox"/> Duke Raleigh Campus Only |
| <input type="checkbox"/> Duke Health Technology Services (DHTS) | <input type="checkbox"/> Patient Revenue Management Organization (PRMO) |
| <input type="checkbox"/> Duke HomeCare & Hospice (DHCH) | <input type="checkbox"/> Population Health Management Office (PHMO) |
| <input type="checkbox"/> Duke Primary Care (DPC) | |
| <input checked="" type="checkbox"/> Duke Regional Hospital (DRH) | |

Purpose: To ensure that legal issues are addressed thoroughly when patients are required to remain on the inpatient unit against their wishes.

Policy:

Involuntary commitment in North Carolina may be instituted by any citizen who has reason to believe that another individual is mentally ill or inebriated and dangerous to self or others, or alternatively, that the individual is intellectually disabled and dangerous to others because any accompanying behavior disorder.

Procedure:

From the community, the person seeking commitment for another must complete a “Petition for Involuntary Commitment” at the Durham County Magistrate’s Office who will then issue a custody order which allows the police to take the person for an examination by a qualified physician who will fill out a Qualified Examination (QE).

If the commitment is initiated in the Emergency Department the Physician needs to complete the “Petition for Involuntary Commitment” and the Qualified exam sending both to the Durham County Magistrate, who will then issue a custody order.

This custody is good for 7 days unless the patient is transferred to a designated inpatient psychiatric unit/hospital or a Change in Commitment Status to release the patient is done. If transfer to a designated psychiatric unit/hospital is considered, the option of seeking voluntary admission to that facility is offered unless the patient meets commitment criteria.

When a patient on the inpatient service is admitted under involuntary commitment, the following procedure will be followed:

1. An evaluation for the need for involuntary commitment will be made. At this point, if the patient is deemed capable of making decisions and wishes to sign themselves into the hospital, a voluntary admission form will be provided and no further commitment paperwork will be done.

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2. An evaluation for the need for involuntary commitment will be made. If the patient is unwilling to sign into the hospital on a voluntary basis or is not deemed to be able to make appropriate decisions based on the examination, a second QE will be completed and sent to the magistrate's office.
3. A copy of the commitment paperwork and the custody order are faxed to the Durham Clerk of Court to request a hearing. A court hearing will be scheduled by the clerk of court. The patient will be provided with legal representation at no cost; if they chose, a patient may retain an attorney of their choice at their own expense. The judge will render a decision for commitment based on the expert testimony provided by the treating physician(s) as well as evidence submitted by the patient.
4. Commitment hearings can be postponed at the request of the patient. If the patient requests a postponement, appropriate paperwork will be filed with the clerk of court.

If a voluntary patient wishes to leave the hospital and signs a request for discharge, the patient will be evaluated for the ability to be safely discharged and it is determined the patient can be safely discharged, discharge appointment and follow-up will be arranged, and the patient will be discharged as soon as a safety plan is in place.

If a voluntary patient wishes to leave the hospital and signs a request for discharge the patient will be evaluated for ability to be safely discharged and it is determined the patient is not safe for discharge (deemed to meet commitment criteria); the physician caring for the patient will file a "Petition for Commitment" and 1st QE with the magistrate. The magistrate will issue the custody order. A physician who is not caring for the patient will be asked to provide a second examination and complete a 2nd QE. All paperwork will be sent to the Durham County Clerk of Court. The Clerk of Court will schedule a commitment hearing and all of the procedures are the same as listed above.

REFERENCES

Citations: N/A

Associated Policies: N/A

Authoritative Source: N/A

Additional References:
NCGS 122C

Attachment Names: N/A

External Links: N/A