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7D – EMERGENCY MENTAL HOLD ISSUES ADULT & PEDIATRIC

EMERGENCY MEDICAL RESPONDER

EMT

EMT-INTERMEDIATE 85

ADVANCED EMT

PARAMEDIC

EMS professionals should utilize this protocol and its principles and directives to promote and protect the safety of mentally ill patients, drug or alcohol dependent patients, and other involved parties who may be endangered by the patient's disturbed or altered psychological state to the extent of being subject to an immediate likelihood of serious harm.

Definitions:

1. "Drug Dependent Patient" for the purpose of this protocol means: A patient who is using a controlled substance as presently defined in Section 102 of the Federal Controlled Substances Act and who is in a state of psychic or physical dependence, or both, arising from administration of that controlled substance on an intermittent or continuous basis.

2. "Alcohol Dependent Patient" for the purpose of this protocol means: A patient who uses alcoholic beverages to an extent that it impairs mental or physical health, family life, occupational life, and potentially compromises the health and safety of the community.

3. "Mentally Ill Patient" for the purpose of this protocol means: A patient afflicted with a substantial disorder of thought, mood, perception, psychological orientation or memory that significantly impairs judgment, behavior, capacity to recognize reality or ability to meet the ordinary demands of life. Mental illness may be reflected in a sustained altered mentation secondary to chronic medical condition or prior physical injury.

4. "Immediate likelihood of serious harm" posed by patients either to self or others for the purpose of this protocol means:

    a) a substantial risk of physical harm to self, manifested by active threats of, or attempts at, suicide or intentional bodily harm; **OR**
    b) a substantial risk of physical harm to others manifested by active threats of, or attempts at, homicide or intentional bodily harm; **OR**
    c) actively placing others in reasonable fear of imminent violent behavior or serious physical harm; **OR**

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d) causing a prudent EMS professional to believe with reasonable certainty that without immediate medical treatment, severe physical impairment or injury would be sustained by the patient or other involved party as a result of the patient's apparent inability to prevent suicidal activity, homicidal activity, or significant risk of harm to self or others through distorted reality (eg. driving while acutely psychotic or clinically intoxicated).

Emergency Mental Hold Procedures:

1. Upon dispatch to and/or subsequent assessment of a patient representing, in the EMS professional's best judgment, "immediate likelihood of serious harm", the EMS professional should notify dispatch to immediately request the appropriate law enforcement authority. It is the duty of the responding law enforcement officer(s) to determine if the affected person appears to be mentally unstable, alcohol dependent or drug dependent to a degree that immediate emergency action is necessary to prevent the patient from harming self or others. If the law enforcement officer determines that immediate emergency action is necessary, under Oklahoma law, the law enforcement officer must take the person into protective custody. The law enforcement officer(s) can base their decision upon personal observation of the actions of the patient or upon the statement of either EMS professionals or other parties deemed credible.

2. If EMS professionals at the scene believe the patient to be actively mentally ill, alcohol dependent, and/or drug dependent to the extent of being subject to an "immediate likelihood of serious harm" to self or others, representing a medical need to be taken into protective custody by law enforcement, the primary assessing EMS professional shall fill out the "Individual's Affidavit for Emergency Detention" and submit to the law enforcement officer(s) at the scene as may be required to effect such detention.

3. If EMS professionals and the law enforcement officer(s) at the scene cannot reach agreement whether the patient is actively mentally ill, alcohol dependent, and/or drug dependent to the extent of representing an "immediate likelihood of serious harm" to self or others, representing a medical need to be taken into protective custody by law enforcement, the appropriate EMS supervisor(s) and corresponding law enforcement supervisor(s) should be contacted. Supervisor presence at the scene could be required to achieve consensus of actions that promote the patient's and others' safety.

4. If the EMS supervisor determines the patient is actively mentally ill, alcohol dependent, and/or drug dependent to the extent of representing an "immediate likelihood of serious harm" to self or others, representing a medical need to be taken into protective custody by law enforcement and therefore is in need of immediate medical attention, this shall be conveyed to the appropriate law enforcement supervisor. If the law enforcement supervisor does not subsequently place the patient on mental hold, notify the appropriate receiving hospital's On-Line Medical Control Physician (or the System EMS Chief Medical Officer) for formal physician consultation, complete an agency-specified Incident Report, and submit it to the Chief Medical Officer for review.

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5. If it appears that the affected person is mentally ill or suffers chronic altered mentation and does not require emergency medical attention, EMS personnel will stay on scene only until it can be reasonably determined that the person does not suffer from an apparent serious physical condition, illness, or injury requiring emergency medical attention and/or until the law enforcement officers at the scene indicate that they no longer require assistance from EMS.

<u>Emergency Detention (previously referred to as Emergency Order of Detention or EOD) Issues:</u>

1. An affidavit that is completed by anyone (including an EMS professional) who is concerned about the patient's safety or who witnessed concerned behavior that could impact the safety of others, that details the observations and impressions that serve as the basis for involuntary detention of the patient in the safety interests of the patient and others has been commonly referred to as an "EOD" or "Emergency Order of Detention". This is no longer used as a legal term. The correct terminology is a "third party statement" and the statement form as displayed in state documents can be found immediately following this protocol.

2. The "third party statement" must have sufficiently detailed information to justify placing the patient, at least temporarily, into law enforcement custody. (eg. "suicidal" is not enough). A law enforcement officer can refuse to take a patient into custody if he or she determines there is insufficient written evidence contained within the "third party statement".

3. The "third party statement" is the legally recognized documentation that compels a patient to be placed into Emergency Detention (ED) in the safety interests of self and others until emergency psychiatric assessment (and stabilization when applicable) can be conducted. Medical facilities in Oklahoma that can conduct emergency psychiatric assessment and stabilization are referred to as "Emergency Detention (formerly EOD) designated facilities".

4. A patient that is under Emergency Detention by use of a "third party statement" cannot refuse transport to receive an appropriate physician evaluation. EMS professionals treating and transporting patients under Emergency Detention should not let the patient flee from EMS care and supervision, unless the patient poses an immediate, serious physical threat to the EMS professional(s). Utilize law enforcement officers, physical restraint, and if licensed as a paramedic, chemical restraint, as warranted to prevent patients under Emergency Detention from fleeing.

5. Once an appropriate physician, typically a psychiatrist, has evaluated the patient under Emergency Detention through use of a "third party statement", he or she may validate continued involuntary detention of the patient or may release the patient from further involuntary medical detention.

6. EMS professionals should work with their system Chief Medical Officer, local medical professionals, and local law enforcement officers to review applicable emergency mental hold issues and resources.