

# Colorado's Emergency Mental Health Procedures Stakeholder Process

Hosted by:

The Office of Behavioral Health  
Mental Health Colorado



**COLORADO**  
**Office of Behavioral Health**  
Department of Human Services

# Goals

- Address recommendations from the Mental Health Advisory Board for Service Standards and Regulations (27-65-131)
  - Redefining the Involuntary Transportation Hold (M0.5)
  - Exploring which professionals can and should be able to initiate an involuntary mental health hold (M1 or M0.5)
  - Addressing professional training requirements

# Goals

- Address issues consumers and consumer advocates have brought up with 27-65
  - Inconsistencies in how the 72-Hour Mental Health Holds (M1) procedure is implemented
  - Clarifying patient rights at each phase of mental health services

# Process

- Meetings will be the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month from February to November with anticipated legislation and/or regulatory recommendations for the 2022 session
- OBH will lead discussions surrounding recommendations from the Mental Health Advisory Board

# Timeline

March

- Transportation hold

April

- Intervening professional

May

- Patient rights during emergency mental health procedure

June

- Patient rights continued
- Designation and inconsistencies in implementation

# *Overview of 27-65*

*Title 27, Article 65, C.R.S.*

## *The Care and Treatment of Persons with Mental Health Disorders*

*Otherwise known as “27-65”*

*OR*

*The Hold and Treat Process*

# *What is 27-65?*

- Colorado law that secures the care and treatment for persons with mental health needs.
- Defines and establishes how mental health services shall be provided.
- Provides for services suited to the needs of the person.
- Provides for the protections of individual rights for those who are being treated under this law.

# *Brief History of Mental Health Laws*

- 1879:** Colorado opens the State hospital in Pueblo
- 1957:** Colorado establishes the first “meaningful” standards that had to be met in order to commit someone.
- 1959:** Colorado’s first mental health center (Fort Logan).
- 1974:** Year current mental health laws were enacted (we are working off of laws created 47 years ago!)



# *Legislative Declaration*

## *27-65-101(1), C.R.S.*

- (a) To secure for each person who may have a mental health disorder such care and treatment as will be suited to the needs of the person and to insure that such care and treatment are skillfully and humanely administered with full respect for the person's dignity and personal integrity;
- (b) To deprive a person of his or her liberty for purposes of treatment or care only when less restrictive alternatives are unavailable and only when his or her safety or the safety of others is endangered;

# *Legislative Declaration*

## *27-65-101(1), C.R.S.*

- (c) To provide the fullest possible measure of privacy, dignity and other rights to persons undergoing care and treatment for mental health disorder;
- (d) To encourage the use of voluntary rather than coercive measures to provide treatment and care for mental health disorder and to provide such treatment and care in the least restrictive setting;
- (e) To provide appropriate information to family members concerning the location and fact of admission of a person with a mental health disorder to inpatient or residential care and treatment;

# *Legislative Declaration*

## *27-65-101(1), C.R.S.*

- (f) To encourage the appropriate participation of family members in the care and treatment of a person with a mental health disorder and, when appropriate, to provide information to family members in order to facilitate such participation and,
- (g) To facilitate the recovery and resiliency of each person who receives care and treatment under this article.

# *OBH's Role in 27-65*

- Develop and enforce rules regulating the services covered under Title 27, Article 65, C.R.S.
- Designate facilities to provide services covered under Title 27, Article 65, C.R.S.
- Monitor facilities to these laws, rules and regulations.
- Create and update all legal forms (M-Forms) associated with these services.
- Facilitate the Mental Health Advisory Board for Service Standards and Regulations.

# *Voluntary vs. Involuntary*

- Under the statute, there are provisions for voluntary treatment and involuntary treatment.
- These terms also describe the legal status of an individual.
- Above all, the 27-65 statute is a protection of a person's rights, especially when they are being treated under the involuntary provisions of this article.

# *Voluntary*

- 27-65-103, C.R.S. covers all voluntary mental health treatment services in Colorado.
- Any person can seek out and receive mental health services from those individuals who are allowed by law to provide it.
- This law covers services for children, adolescents, adults and older adults.

# *Involuntary*

- Covered in statute
  - M-Forms used for involuntary procedures
- Emergency and non-emergency
  - Holds (M-1) are emergent
  - Court ordered evaluations (M-3) are emergent
  - Petition for evaluation for screening (M-4) are non-emergent

# *Types of Involuntary Procedures*

- Transportation Hold
- 72-Hour Holds
- Certification for short-term treatment
- Extension of short-term treatment
- Long term care and treatment





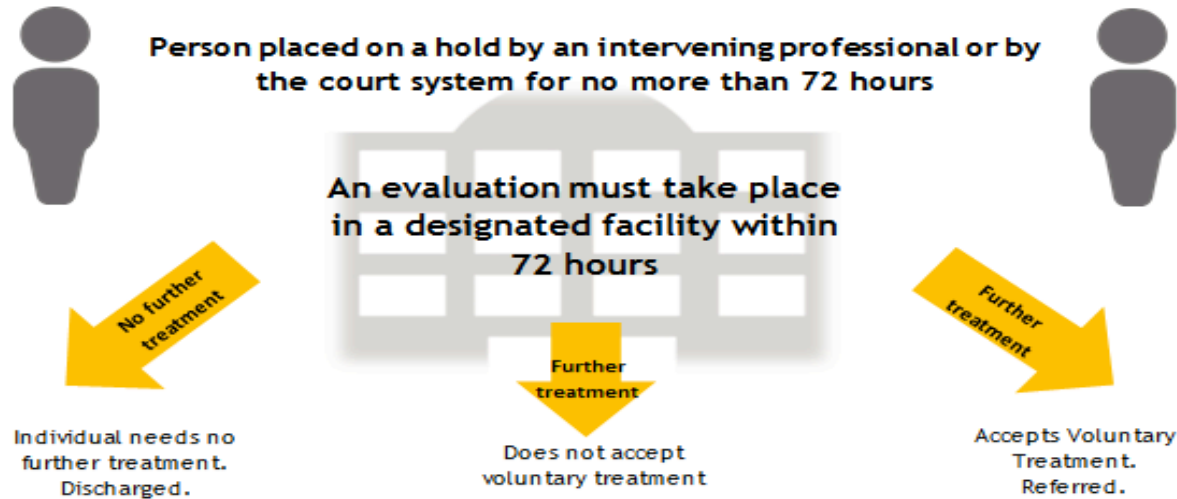
# INVOLUNTARY MENTAL HEALTH TREATMENT PROCESS

(CRS 27-65-105 through 109)

Updated 01/15/2018

## MENTAL HEALTH HOLDS:

When any person appears to have a mental health disorder and appears to be an imminent danger to others or to himself or herself, or appears to be gravely disabled this person may be detained for 72-hour evaluation and treatment.



**CERTIFICATION FOR SHORT TERM TREATMENT\***  
A person is placed on short term certification for no more than three months in order to receive treatment in a designated facility.

**EXTENDED Short Term\***  
Cannot last more than additional three months after the initial short term certification.

**LONG TERM CARE AND TREATMENT\***  
(not to exceed six months)

**EXTENDED Long Term\***  
Cannot last more than additional six months after long-term certification but can be reauthorized for an additional six months if approved by the court.

\*At any point during this process, the person can accept voluntary treatment or be released.



# *Other Procedures Covered Under 27-65*

- Psychiatric Medications
- Involuntary Medications
  - Emergent and non-emergent
- Seclusion and Restraint
- Therapy or Treatment Using Special Procedures
  - ECT
- Imposition of Legal Disability

# *Holds*

## Transportation Hold

- New procedure effective in 2018

## 72-Hour Hold

- Over 40 years old!!!

# *Why We Are Here?*

- Redefine the Involuntary Transportation Hold (M0.5)
- Explore which professionals can and should be able to initiate a mental health hold
- Address professional training requirements
- Address 72-Hour Hold inconsistencies
- Clarify patient rights at each phase of mental health services

# Stay Connected

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For updates, meeting notes, and relevant documents:  
<https://www.mentalhealthcolorado.org/emergency-mental-health-procedures/>



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