

# 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

# *Transportation Hold*

## *Agenda:*

*Where it came from*

*How OBH is implementing*

*Statutory language breakdown*

# *Why the Transportation Hold?*

## SB 17-207

- Eliminated the use of the jails to hold individuals who are experiencing a mental health crisis.
  - There was no involuntary option for individuals presenting with behavioral health distress to receive mental health services unless they met 72 Hour Hold criteria (imminent danger to self or others, or gravely disabled).
- SB 17-207 established the Transportation Hold

# *OBH Implementation of the Transportation Hold*

## The Official Name: Involuntary Transportation for Immediate Screening

- An initial intervening step to get individuals, who will not go voluntarily and do not clearly meet 72-Hour Hold criteria (imminent dangerous to self, others or gravely disabled) from the community to a facility with crisis walk in services that will then screen for the need for a 72 Hour Hold.
- Ends when the individual is received by the facility. This hold allows for a maximum of 6 hours for transportation.



# *Statutory Language*

## *27-65-105 (1)(a)(I.5) C.R.S.*

*27-65-105(1)(a)(I.5)* When any person appears to have a mental health disorder and, as a result of such mental health disorder, is in need of immediate evaluation for treatment in order to prevent physical or psychiatric harm to others or to himself or herself, then an intervening professional, as specified in subsection (1)(a)(II) of this section, upon probable cause and with such assistance as may be required, may immediately transport the person to an outpatient mental health facility or other clinically appropriate facility designated or approved by the executive director. If such a facility is not available, the person may be taken to an emergency medical services facility.

# *Transportation Hold Criteria*

*27-65-105 (1)(a)(I.5) C.R.S.*

*“When any person appears to have a mental health disorder and, as a result of such mental health disorder, is in need of immediate evaluation for treatment in order to prevent physical or psychiatric harm to others or to himself or herself”*

## QUESTION:

- Under what *specific circumstances* should an individual be placed on a transportation hold instead of a 72-hour hold?

# *Transportation Hold Who Can Place*

*27-65-105 (1)(a)(I.5) C.R.S.*

*“then an intervening professional, as specified in subsection (1)(a)(II) of this section,”*

## QUESTION:

- Should any other professionals be allowed to place a transportation hold? Why or why not?
  - Currently, an intervening professional is defined as:
    - a certified peace officer,
    - a professional person (physician or psychologist),
    - a registered professional nurse with postgraduate education and additional training,
    - a licensed therapist (LMFT, LPC, LAC) with postgraduate education and additional training,
    - or a licensed clinical social worker (LCSW).

# *Transportation Hold Enforcement*

*27-65-105 (1)(a)(I.5) C.R.S.*

*“upon probable cause and with such assistance as may be required,”*

## QUESTIONS:

- What specifically determines probable cause?
- What happens if the individual elopes?
- What does “assistance” look like?

# Transportation Hold Receiving Facilities

27-65-105 (1)(a)(I.5) C.R.S.

*“may immediately transport the person to an outpatient mental health facility or other clinically appropriate facility designated or approved by the executive director. If such a facility is not available, the person may be taken to an emergency medical services facility.”*

## QUESTIONS:

- What transportation options are acceptable?
- What specific types of facilities should be eligible to receive a transportation hold and why?



# *Transportation Hold Other Issues*

*27-65-105 (1)(a)(l.5) C.R.S.*

## **Not established in statute:**

1. How/when does the Transportation Hold end?
2. What happens at the receiving facility?
3. What rights do people have throughout this process?
4. How do people get home that don't meet M-1 criteria and don't want voluntary services?
5. Is the name Transportation Hold problematic?



# Hold

## Transportation Hold

- Used for those individuals who may appear to have a mental health disorder and in need of screening for a 72 hour hold.
- Used when an intervening professional is not sure if an individual meets 72 hour hold criteria.
- Used for a person who will not go voluntarily to be screened for a 72 Hour hold.
- *IS NOT* an evaluation or treatment (transportation only).
- Is resolved upon a facility receiving the individual for screening (or after 6 hours).
- *IS NOT* a replacement for a necessary 72 hour hold.
- *IS NOT* to be used when a person is willing to go voluntarily to be screened for a 72 hour hold.
- *IS NOT* to be used once the person has been evaluated.

## 72 Hour Hold

- Used to detain an individual who meets criteria for a hold (imminent danger to self or others or gravely disabled).
- Used when an intervening professional is clear that an evaluation and treatment is needed.
- Used for a person who will not go voluntarily for evaluation and treatment.
- Does include an evaluation and any necessary treatment.
- Must be resolved (dropped) by a professional person or advanced practice nurse.
- Resolution of the hold must be made prior to the end of the 72 hours based on the evaluation.
- Person must be continually evaluated for voluntary status.
- Person can be transferred to designated facilities if not taken there initially or no bed availability.

# Next Steps

**March 22:**

Refine Transportation Hold Update Ideas

**April 12:**

Dissecting “Intervening Professional” Definition



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# 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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