

# Colorado's Emergency Mental Health Procedures Stakeholder Process

Hosted by:



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



**MENTAL HEALTH**  
**COLORADO**

**May 10, 2021**

# Timeline

May

- Patient Rights
- May 24<sup>th</sup>: CHA Presentation and patient rights continued

June

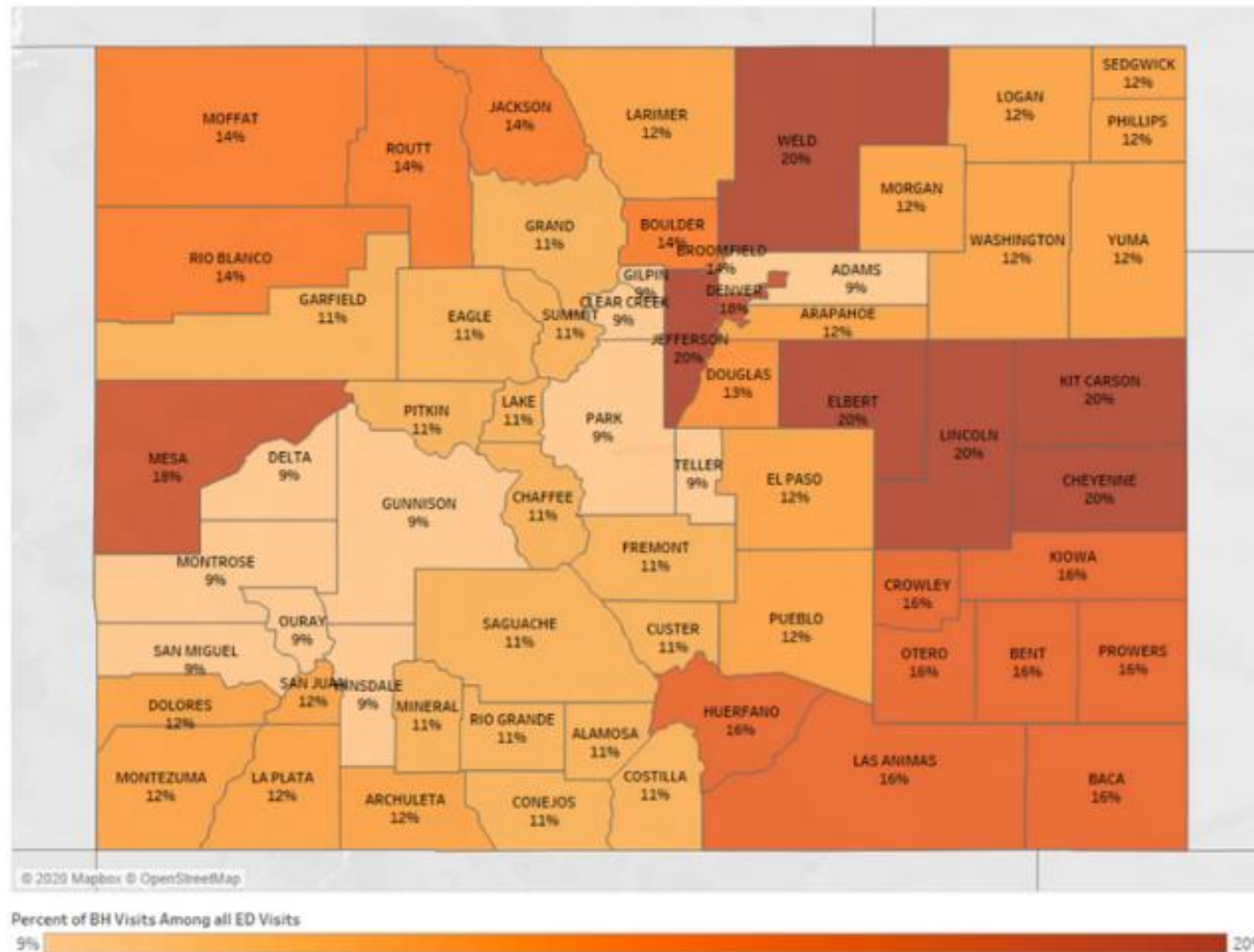
- Discharge Planning
- June 28<sup>th</sup>: Presentation by Dr. Lacey Beruman

July

- Inconsistencies in M1s

Designated Facilities (Data from 07/01/18 - 12/31/18)			
72-Hour Holds (M-1)	Holds	Total Number of Holds	16,263
		Total Number of Individuals <sup>1</sup>	14,526
	Reason for 72-Hour Hold	Dangerous to Self	10,409
		Dangerous to Others	592
		Gravely Disabled	3,111
		Dangerous to Self and Others	939
		Dangerous to Self and Gravely Disabled	617
		Dangerous to Others and Gravely Disabled	286
		Dangerous to Self, Others, and Gravely Disabled	221
		Missing Information	43
	Outcome of 72-Hour Hold	Referred for Voluntary Treatment	5,977
		Released without Need for Further Mental Health Services	2,830
		Certified	2,231
Transferred for Continued Involuntary Treatment		2,280	
Missing Information		2,944	
Involuntary Transportation Holds (M-0.5)	Holds Received by Facility	Total Number of Holds Received by Facility	50
		Total Number of Individuals <sup>1</sup>	49
	Reason for Invol. Trans. Hold	All Reasons	n<30 <sup>2</sup>
Outcome of Invol. Trans.	All Outcomes	n<30 <sup>2</sup>	
Certifications	Short-Term Certifications <sup>3</sup>	Total Number of Short-Term Certifications	2,852
	Long-Term Certifications <sup>4</sup>	Total Number of Long-Term Certifications	317
Involuntary Medications	Emergency Medications	Total Number of Times Emergency Medications were Administered	11,004
		Total Number of Individuals <sup>1</sup>	1,107
	Court-Ordered Medications	Total Number of Times a Court Ordered Medications to be Administered	4,597
		Total Number of Individuals <sup>1</sup>	830
Non-Designated Facilities (Data from 05/01/18 - 12/31/18)			
72-Hour Holds (M-1) <sup>5</sup>	Holds	Total Number of Holds	15,491
		Total Number of Individuals <sup>1</sup>	14,834
	Reason for 72-Hour Hold	Dangerous to Self	6,923
		Dangerous to Others	397
		Gravely Disabled	1,607
		Dangerous to Self and Others	715
		Dangerous to Self and Gravely Disabled	299
		Dangerous to Others and Gravely Disabled	145
		Dangerous to Self, Others, and Gravely Disabled	142
	Outcome of 72-Hour Hold	Referred for Voluntary Treatment	6,056
		Released without Need for Further Mental Health Services	2,103
		Transferred for Continued Involuntary Treatment	10,542
Involuntary Transportation Holds (M-0.5)	Holds Received by Facility	Total Number of Holds Received by Facility	863
		Total Number of Individuals <sup>1</sup>	N/A <sup>6</sup>
	Outcome of Involuntary Transportation Hold	72-Hour Hold Placed	674
	Referred for Voluntary Treatment	205	
	Released without Need for Further Mental Health Services	n<30 <sup>2</sup>	

FIGURE 5: PERCENT OF BEHAVIORAL HEALTH VISITS AMONG ALL ED VISITS, 2015 TO 2019



Source: 2020 Behavioral Health Needs Assessment: <https://drive.google.com/file/d/1ln7LrH8f7vaYy7DVh53PkxaN4Zb9LIB/view>

27-65-117

# Current rights of persons receiving evaluation, care, or treatment

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(1) Each person receiving evaluation, care, or treatment under any provision of this article has the following rights and shall be advised of such rights by the facility:

(a) To receive and send sealed correspondence. No incoming or outgoing correspondence shall be opened, delayed, held, or censored by the personnel of the facility.

(b) To have access to letter-writing materials, including postage, and to have staff members of the facility assist him or her if unable to write, prepare, and mail correspondence;

(c) To have ready access to telephones, both to make and to receive calls in privacy;

(d) To have frequent and convenient opportunities to meet with visitors. Each person may see his or her attorney, clergyman, or physician at any time.

(e) To wear his or her own clothes, keep and use his or her own personal possessions, and keep and be allowed to spend a reasonable sum of his or her own money.

## 27-65-117

# Current rights of persons receiving evaluation, care, or treatment

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(2) A person's rights under subsection (1) of this section may be denied for good cause only by the professional person providing treatment. Denial of any right shall in all cases be entered into the person's treatment record. Information pertaining to a denial of rights contained in the person's treatment record shall be made available, upon request, to the person or his or her attorney.

(3) No person admitted to or in a facility shall be fingerprinted unless required by other provisions of law.

(4) A person may be photographed upon admission for identification and the administrative purposes of the facility. The photographs shall be confidential and shall not be released by the facility except pursuant to court order. No other nonmedical photographs shall be taken or used without appropriate consent or authorization.

(5) Any person receiving evaluation or treatment under any of the provisions of this article is entitled to a written copy of all his or her rights enumerated in this section, and a minor child shall receive written notice of his or her rights as provided in section 27-65-103 (7)(g). A list of such rights shall be prominently posted in all evaluation and treatment facilities.

# Suggested Patient Rights (27-65-105)

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~~Each person receiving evaluation, care, or treatment under any provision of this article has the following rights and shall be advised of such rights by the facility~~ **under a 72-hour treatment and evaluation procedure has the following rights, regardless of receiving facility, a list of which shall be prominently posted in the predominant languages of the community and explained in a language or modality accessible to the patient (CA). The facility shall assist the patient in exercising the rights granted in this subdivision:**

- ~~Any person receiving evaluation or treatment under any of the provisions of this article is entitled to~~ **Immediately upon placement in the facility, to receive a written copy and verbal description in a language or modality accessible to the patient** of all his or her enumerated rights outlined in this section and any accompanying rules, and a minor child and his or her guardian shall receive written notice of his or her rights as provided in section 27-65-103(7)(g).

**To be told verbally and in writing:**

- The reason for his or her detainment**
- The limitations of their detainment, including a description of their right to refuse medication, and that the detainment does not mean that all treatment during confinement is mandatory**
- If not certified pursuant to 27-65-107, the patient has the right to leave after 72 hours**
- The patient has the right to be evaluated *by a professional person* as soon as he or she is medically cleared, not to exceed **XX** hours; and**

# Suggested Patient Rights (27-65-105)

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- To request a change to voluntary status. (Minnesota)
- To be treated fairly, with respect and recognition of the patient's dignity and individuality by all employees of the treatment facility with whom the patient comes in contact (Wisconsin).
- To receive the same consideration and access to appropriate services as others, regardless of race, color, national origin, age, gender identity, sexual orientation, political affiliation, religious beliefs, financial status, or disability; (27-81)
- ~~Each person may see his or her attorney, clergyman, or physician at any time.~~To retain and consult with an attorney during normal waking hours.
- To meet with or call a personal clinician, spiritual advisor, counsel, crisis hotline, family, workplace, childcare provider, or school at all reasonable times. The patient has the right to continue the practice of religion (Minnesota).



# Suggested Patient Rights 27-65-105

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- The legal guardian of the patient shall be given the opportunity to authorize disclosure of the patient's presence in the facility to callers and visitors who may seek to communicate with the patient (Minnesota).
- To see and receive the services of a patient advocate who has no direct or indirect clinical, administrative, or financial responsibility for the person. The person must have access to such services within 2 hours of their request (CA).
- ~~To receive and send sealed correspondence. No incoming or outgoing correspondence shall be opened, delayed, held, or censored by the personnel of the facility.~~ To receive and send sealed correspondence as well as the assistance of facility staff if the person is unable to write, prepare, or mail correspondence. **(should this stay?)**
- ~~To have ready access to telephones, both to make and to receive calls in privacy;~~ To have reasonable access to telephones or other communication devices, and to make and to receive calls or communications in privacy. Facility staff shall not open, delay, intercept, read, or censor mail or other communications or use mail or other communications as a method to enforce compliance with facility staff. (27-81)
- To wear his or her own clothes, keep and use his or her own personal possessions, and keep and be allowed to spend a reasonable sum of his or her own money.

# Suggested Patient Rights 27-65-105

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- To have access to medical records;
- To have treatment records remain confidential, except as required by law;
- ~~No person admitted to or in a facility shall be fingerprinted unless required by other provisions of law~~ To not be fingerprinted, unless required by law;
- A person may be photographed upon admission for identification and the administrative purpose of the facility. The photographs shall be confidential and shall not be released by the facility except pursuant to court order. No other nonmedical photographs shall be taken or used without appropriate consent or authorization.
- To have appropriate access to adequate food in accordance with dietary preferences and practices, water, and hygiene products;
- To have physical privacy in showering, changing, and using the restroom; and
- To have frequent and convenient opportunities to meet with visitors.
- Have immediate access to a representative within the facility who provides assistance to file a grievance.

# Suggested Patient Rights 27-65-105

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- A person's right under subsection (1) of this section may be denied ~~for good cause~~ **only if access to the item, program, or service would endanger the safety of the individual or another person in close proximity and may only be denied** by the professional person providing treatment. Denial of any right shall in all cases be entered into the person's treatment record. Information pertaining to a denial of rights contained in the person's treatment record shall be made available, upon request, to the person or his or her attorney.

# Suggested Patient Rights 27-65-105

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No person may intentionally retaliate or discriminate against any patient or employee for contacting or providing information to any official or to an employee of any state protection and advocacy agency, or for initiating, participating in, or testifying in a grievance procedure or in an action for any remedy authorized under this section. Whoever violates this paragraph may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.

Any patient whose rights are protected under this section who suffers damage as the result of the unlawful denial or violation of any of these rights may bring an action against the person or facility, including the state or any political subdivision thereof, which unlawfully denies or violates the right in question. The individual may recover any damages as may be proved, together with exemplary damages of not less than \$1000 for each violation and such costs and reasonable actual attorney fees as may be incurred. (Wisconsin)

# Next Steps

- May 24<sup>th</sup>
  - Colorado Hospital Association (CHA) presentation
  - Continued discussion on patient rights
- Please send any feedback in the interim to [lsnyder@mentalhealthcolorado.org](mailto:lsnyder@mentalhealthcolorado.org) with subject line “M1 patient rights”

# Stay Connected

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**For updates, meeting notes, and relevant documents:**

[www.mentalhealthcolorado.org/emergency-mental-health-procedures/](http://www.mentalhealthcolorado.org/emergency-mental-health-procedures/)



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