

NEW Language	OLD Language
<p>(1) Any person who appears or is alleged to have a mental health disorder CRISIS AND/OR APPEARS TO BE GRAVELY DISABLED and, as a result of the mental health disorder, it is believed that without professional intervention this individual could MAY become a danger to others or themselves or be gravely disabled and community-based services are unavailable or have been unsuccessful then a certified peace officer as defined in 27-65-102(2) or an emergency medical services provider as defined in 25-3.5-103(8) upon probable cause and with such assistance as it may be required, may immediately transport the person to an outpatient mental health facility or other clinically appropriate facility designated by the Commissioner. If such a service is not available, the person may be taken to an emergency medical services facility.</p> <p>Note: refer back to medicaid definition of crisis.</p>	<p>(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.</p>
<p>(2) Upon ANY PERSON'S affidavit sworn to or affirmed before a judge OR MAGISTRATE that relates sufficient facts to establish that a person appears or is alleged to have a mental health disorder and, as a result of the mental health disorder, it is believed that without professional intervention this individual could become a danger to others or themselves or be gravely disabled</p>	<p>(c) Upon an affidavit sworn to or affirmed before a judge that relates sufficient facts to establish that a person appears to have a mental health disorder and, as a result of the mental health disorder, is in need of immediate evaluation for treatment to prevent physical or psychiatric harm to others or to himself or herself, the court may order the person described in the affidavit to be transported to an outpatient mental</p>

<p>and community-based services are unavailable or have been unsuccessful then the court may order the person described in the affidavit to be transported to an outpatient mental health facility or other clinically appropriate facility designated or approved by the executive director COMMISSIONER. If such a service is not available, the person may be taken to an emergency medical services facility.</p>	<p>health facility or other clinically appropriate facility designated or approved by the executive director.</p>
<p>(3) When a person is transported against their will pursuant to subsection (1) or (2) of this section and is presented to an emergency medical services facility or a facility that is designated or approved by the COMMISSIONER executive director, the facility shall require an application in writing, stating the circumstances under which the person's condition was called to the attention of the peace officer or emergency medical service provider and further stating sufficient facts, obtained from personal observations or obtained from others whom he or she reasonably believes to be reliable, to establish that the person appears to have a mental health disorder and, as a result of the mental health disorder, it is believed that without professional intervention this individual could become a danger to others or themselves or be gravely disabled, or is in need</p>	

~~of immediate evaluation for treatment.~~ The application must indicate the name of the individual, ~~when~~ **time** the person was taken into custody and what community-based services were provided prior to taking the person into custody. A copy of the application must be furnished to the person being transported.

(4) Once the person is accepted by the facility, an intervening professional must **screen** the individual within **two hours** to establish if the person meets criteria for an emergency procedure pursuant to 27-65-105. Once the screening has been completed, the intervening professional must first pursue voluntary treatment and evaluation. If the person refuses or the intervening professional has ~~reason~~ REASONABLE GROUNDS to believe the person will not remain voluntary, he or she may enact an emergency procedure pursuant to 27-65-105.

(utilize information from referring entity when making determination (M1 criteria or cert criteria))**

(5) Each person detained pursuant to 27-65-105.5 has the following rights, which must be explained to the

individual, before being transported to a receiving facility.

1. The person has the right not to be detained for longer than 8 hours total. He or she may not be transported for longer than 6 hours and has the right to an evaluation within 2 hours once accepted by the receiving facility.
2. The person has the right to make a phone call to an interested party prior to being transported. If the person does not have access to a phone, the peace officer or emergency medical services provider shall make immediate accommodations to ensure the person may contact an interested party if they so choose.
3. The person has the right to continue to wear his or her own clothes and keep and use non-dangerous personal possessions that the person had in their possession at the time of the detainment, including a cell phone.
4. The person has the right to have appropriate access to adequate food and water.

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| <p>5. To be treated fairly, with respect and recognition of the patient's dignity and individuality.</p> <p>6. To file a grievance with the Behavioral Health Administration or the Office of the Behavioral Health Ombudsman</p> | |
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Intervening Professional

~~(11.3) “Intervening professional” means a person described in section 27-65-105 (1)(a)(II) who may effect a seventy-two hour hold under the provisions outlined in section 27-65-105.~~

WHO HAS SUCCESSFULLY COMPLETED A BHA ISSUED TRAINING AND MEETS ONE OF THE BELOW CRITERIA: ~~The following persons may act as intervening professionals to effect a seventy-two hour hold, as provided in subsections (1)(a)(I) and (1)(a)(I.5) of this section:~~

(A) A certified peace officer;

(B) A professional person;

(C) A PHYSICIAN ASSISTANT LICENSED UNDER THE PROVISIONS OF 12-240-113;

(D) AN ADVANCED PRACTICE REGISTERED NURSE AS DEFINED IN SECTION 12-255-104(1);

~~**(E)** A registered professional nurse as defined in section 12-255-104 (11) who by reason of postgraduate education and additional nursing preparation has gained knowledge, judgment, and skill in psychiatric or mental health nursing;~~

~~**(D)** A licensed marriage and family therapist, licensed professional counselor, or addiction counselor licensed under part 5, 6, or 8 of article 245 of title 12 who, by reason of postgraduate education and additional preparation, has gained knowledge, judgment, and skill in psychiatric or clinical mental health therapy, forensic psychotherapy, or the evaluation of mental health disorders; or~~

- (F) A licensed marriage and family therapist licensed under the provisions of part 5 of article 245 of title 12;
- (G) A licensed professional counselor licensed under the provisions of part 6 of article 245 of title 12;
- (H) An addiction counselor licensed under the provisions of part 8 of article 245 of title 12; or
- (I) A licensed clinical social worker licensed under the provisions of part 4 of article 245 of title 12.