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GOVERNOR

State of Alabama Alabama Department of Corrections



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ADMINISTRATIVE REGULATION
NUMBER 634

OPR: TREATMENT

TRANSFER TO STATE PSYCHIATRIC HOSPITAL

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the responsibilities, policies and procedures for inmates requiring additional treatment then can be provided within the prison system or if an inmate may require in patient treatment when released from ADOC.

II. POLICY

Inmates will be transferred to a hospital of the Department of Mental Health when they continue to present a danger to self or others due to acute psychosis or other psychiatric difficulties that have not responded to intervention within the ADOC. If an inmate approaching the expiration of his/her sentence presents a danger to self or others due to acute psychosis or other psychiatric difficulties, transfer to a state-operated psychiatric hospital will be pursued. Transfers will be handled in accordance with Sections 14-3-42 and 22-52-70 of the Code of Alabama (1975) and ADOC AR titled Sanity Commission Procedures.

III. DEFINITION(S) AND ACRONYM(S)

Refer to AR 602 for definitions of the following terms used in this AR:

Acute Psychosis

Intensive Psychiatric Stabilization Unit (SU)

Involuntary Commitment

Psychotropic Medication

Sanity Commission

IV. RESPONSIBILITIES

- A. The Director of Treatment for ADOC is responsible for establishing policies and procedures to ensure that all inmate transfers to state psychiatric hospitals involving involuntary commitments are completed in a timely manner and comply with applicable state law.
- B. The inmate's treatment team is responsible for determining when the inmate should be considered for transfer to a state psychiatric hospital.
- C. The Sanity Commission is responsible for recommending appropriate treatment (including possible transfer to a state psychiatric hospital) for referred inmates and attending probate court hearings when transfer is recommended.
- D. The contract mental health staff is responsible for providing the appropriate documentation to the ADOC psychology staff.
- E. The ADOC psychology staff is responsible for providing the appropriate documentation to ADOC Legal Counsel and attending the corresponding probate court hearings.
- F. ADOC Legal Counsel is responsible for the execution and filing of the necessary legal documents, for the initiation of probate court proceedings, and for the transfer of the appropriate documentation to and from the Governor's Office.
- G. The Director of Classification for ADOC is responsible for ensuring that an inmate's transfer to a state psychiatric hospital is completed in a timely manner once approved.

V. PROCEDURES

- A. Inmates who present a danger to self or others due to acute psychosis or other psychiatric difficulties will be transferred to an ADOC Intensive Psychiatric Stabilization Unit (SU) for evaluation and treatment. If the inmate does not stabilize in a reasonable period (thirty days), the treatment team will consider transfer for inpatient psychiatric treatment at a hospital of the Alabama Department of Mental Health.
- B. If the treatment team judges that all mental health interventions possible within ADOC have been exhausted and the inmate has not responded to treatment or that an inmate approaching ADOC release may require inpatient psychiatric treatment when released, the psychiatrist (as chairperson of the treatment team) will recommend transfer to a state psychiatric hospital. The recommendation including the following information will be sent to the Sanity Commission:

1. Inmate's current behavior and mental status.
2. Inmate's potential for self-harm or violence.
3. Pertinent mental health history.
4. Inmate's current diagnosis and psychotropic medication.
5. Duration of current psychiatric episode.
6. Therapeutic interventions offered and inmate's compliance with treatment.
7. Recommendation of transfer to inpatient psychiatric setting.

NOTE: A copy of the recommendation to the Sanity Commission will be filed in the mental health section of the inmate's medical record.

C. The Sanity Commission is a three member panel that operates under the authority of Sections 14-3-42 and 22-52-70 of the Code of Alabama (1975), The Sanity Commission is responsible for evaluating and recommending proper treatment or transfer to a state-operated psychiatric hospital when inmates are referred to the panel.

1. The Sanity Commission consists of three voting members:
 - a. Psychiatrist or attending physician as chairperson
 - b. Licensed psychologist
 - c. Mental health registered nurse or licensed practical nurse.
2. The Sanity Commission will convene within two working days of the chairperson's receipt of a treatment team recommendation for inmate transfer to a state-operated psychiatric hospital.

D. The Sanity Commission will convene within two working days of the chairperson's receipt of a treatment team recommendation for inmate transfer to a state psychiatric hospital.

E. If the Sanity Commission agrees that transfer to a state psychiatric hospital is clinically indicated, the rationale for the decision will be documented on ADOC Form MH-064, Record of Sanity Commission Hearing.

F. If the Sanity Commission does not recommend transfer to a state psychiatric hospital, the rationale for the decision and treatment alternatives that are recommended by the Sanity Commission will be documented on ADOC Form MH-040, Progress Notes, in the inmate's medical record.

- G. When the Sanity Commission recommends transfer to a state psychiatric hospital, the contract mental health clerk will immediately advise ADOC psychology staff and the referring treatment team of the decision.
- H. The contract mental health clerk will ensure that ADOC Form MH-064 is accurately completed, signed by the Sanity Commission Hearing members and forwarded to ADOC psychology staff within one working day of the hearing. A copy of the inmate's most recent physical examination will be attached.
- I. Upon receiving ADOC Form MH-064, ADOC psychology staff will immediately alert ADOC Legal Counsel of the need to schedule a probate court hearing and begin preparation of:
1. ADOC Form MH-065, Statement of Sentence
 2. ADOC Form MH-066, Pre-Admission Security Evaluation
 3. ADOC Form MH-067, Pre-Admission Statement
 4. ADOC Form MH-069, Petition for Involuntary Commitment
- NOTE: Through the use of ADOC Form MH-069, ADOC psychology staff, on behalf of the ADOC and through the ADOC Legal Counsel, will petition the probate court of the appropriate county for an order committing the inmate to the Alabama Department of Mental Health.
- J. The contract mental health staff of the inmate's treatment team will complete ADOC Form MH-068, Personal History, and submit it to ADOC psychology staff within one working day of the Sanity Commission's recommendation for transfer.
- K. ADOC psychology staff will assemble the commitment documentation and forward the documentation to ADOC Legal Counsel within two working days of receipt of ADOC Form MH-064. A copy of the commitment documentation will be filed in the inmate's institutional file. A second copy will be filed in the inmate's medical record.
- L. ADOC Legal Counsel will initiate involuntary commitment proceedings in the appropriate probate court (ADOC Form MH-069). ADOC psychology staff, as petitioner, and members of the Sanity Commission will attend the probate court proceedings.
- M. Upon receipt of the probate court commitment order, ADOC Legal Counsel will forward all documents to the Governor for issuance of a Governor's Commitment Order. ADOC Legal Counsel will initiate follow-up action

when there is no response from the Governor's office within five working days.

- N. Upon receipt of the Governor's Commitment Order, ADOC Legal Counsel will forward all documents to the ADOC Director of Classification.
- O. The ADOC Director of Classification will contact the appropriate official in the Alabama Department of Mental Health and arrange the earliest possible date for the inmate to be transferred to the appropriate state psychiatric hospital. The ADOC Director of Classification will advise the ADOC Director of Treatment of the request for transfer and the response from the Alabama Department of Mental Health.
- P. The ADOC Director of Treatment will notify the supervising psychologist or designee of the referring institution of the Governor's Commitment Order and the request for transfer to the Alabama Department of Mental Health.
- Q. The ADOC Director of Treatment will monitor the status of transfer requests to the Alabama Department of Mental Health and request assistance when a transfer is delayed for more than ten working days.
- R. The original of all the documents prepared during the transfer process will be sent with the inmate and given to the staff at the receiving state psychiatric hospital. Prior to transfer, one copy of the entire commitment documentation will be filed in the inmate's Central Record file. Two copies of the probate civil commitment order and the Governor's Commitment Order will be sent to the referring institution. One copy of these documents will be filed in the inmate's institutional file. The second copy will be filed in the inmate's medical record.
- S. The ADOC Director of Classification will ensure the movement of an inmate to a state psychiatric hospital receives the highest priority once the Governor approves the commitment and notification is received from the hospital that space is available.
- T. Inmate transfers to a state psychiatric hospital will be monitored by the SU's through completion of ADOC Form MH-077, Intensive Psychiatric Stabilization Unit: Transfers to State Psychiatric Hospital. This form will be submitted with the monthly Mental Health Services report.
- U. Monitoring the time required to complete a transfer to a state psychiatric hospital after the transfer is recommended by the treatment team will be a component of the mental health quality improvement program.

VI. DISPOSITION

See AR 601, Mental Health Forms and Disposition.

VII. FORMS

Refer to AR 601, Mental Health Forms and Disposition for:

- A. ADOC Form MH-040, Progress Notes
- B. ADOC Form MH-064, Record of Sanity Commission Hearing
- C. ADOC Form MH-065, Statement of Sentence
- D. ADOC Form MH-066, Pre-Admission Security Evaluation
- E. ADOC Form MH-067, Pre-Admission Statement
- F. ADOC Form MH-068, Personal History
- G. ADOC Form MH-069, Petition for Involuntary Commitment
- H. ADOC Form MH-077, Intensive Psychiatric Stabilization Unit: Transfers to State Psychiatric Hospital

VIII. SUPERCEDES

This AR supercedes AR 474 dated June 4, 2002 and AR 603 dated July 8, 1988.

IX. PERFORMANCE

This administrative regulation is published under the authority of:

- A. The Bradley Agreement dated August 8, 2000.
- B. National Commission on Correctional Health Care: Standards for Health Services in Prisons, 2003.
- C. Code of Alabama 1975, Sections 14-3-42, 22-50-11, 22-52-70



Donal Campbell, Commissioner