

MENTAL HEALTH PROCEDURES ACT CHECKLIST

SECTION NO./ PURPOSE	GENERAL REQUIREMENT	WHO MAY APPLY	FORM & APPLICATION	HEARING REQUIRED?	EXAMINATION /EVALUATION	WHO MAKES DECISION	DURATION OF COMMITMENT/ TREATMENT
SECTION 201 Voluntary Examination and Treatment	Voluntary consent to receive inpatient treatment	Any person 14 years or older. Parent or guardian if under 14 years. If 14 to 17 years old, parents must be notified and informed of their right to object.	Signed consent to inpatient treatment. Form MH-781 a,b,c, as necessary; MH-782 Bill of Rights.	No	By physician	Examining physician	Indefinite stay is permitted. Must give up to 72 hours notice to withdraw, if applicable. May be subject to 302.
SECTION 302 Involuntary Emergency Examination and Treatment	Severe mental disability based upon clear and present danger to self or others. Overt behaviors or threats with acts to further the threats occurring within past 30 days.	1. Any responsible person may apply to the Co. Admin. or his/her delegate. Form MH-783 2. Upon personal observation of Section 301 behavior, any physician, police officer or authorized person may take person to an approved facility.	1. In writing, signed by petitioner. Approved by Co. Admin. or his/her delegate. Form MH-783 2. No form required until person is at the facility.	No	By physician at designated facility	Examining physician	May not exceed 120 hours. Patient may be subject to 303 commitment. Patient may convert to voluntary status.
SECTION 303 Extended Involuntary Emergency Treatment	Patient has been subject to prior 302 commitment and needs extended and continued treatment.	Director of facility or any responsible person.	In writing, signed by petitioner. Form MH-784	Yes	By physician	Mental Health Review Officer (MHRO)	May not exceed 20 days. Commitment may be to inpatient, partial hospitalization, or outpatient. Patient may be subject to 304B commitment.. Patient may convert to voluntary status.
SECTION 304B Court Ordered Involuntary Treatment for Persons Presently Subject to Involuntary Treatment.	Patient meets Section 301 criteria, has been subject to prior 303 commitment and needs extended treatment.	Director of facility or County Administrator	In writing, signed by petitioner. Form MH-785 and Form MH-785a	Yes	By physician	MHRO makes recommendation, final approval by Judge.	May not exceed 90 days. Commitment may be to inpatient, partial hospitalization, or outpatient. Patient may be subject to 305 commitment. Patient may convert to voluntary status.
SECTION 304C Court Ordered Involuntary Treatment for Persons NOT Presently Subject to Involuntary Treatment	Same criteria as 302 but less than emergency basis. Patient can safely wait 72 hours until a hearing.	Any responsible person.	In writing, signed by petitioner. Form MH-785	Yes	Court may order an outpatient psychiatric evaluation.	MHRO makes recommendation, final approval by Judge.	May not exceed 90 days. Commitment may be to inpatient, partial hospitalization or outpatient. Patient may be subject to further Court ordered commitment (305). Patient may convert to voluntary status.

MENTAL HEALTH PROCEDURES ACT CHECKLIST

SECTION NO./ PURPOSE	GENERAL REQUIREMENT	WHO MAY APPLY	FORM & APPLICATION	HEARING REQUIRED?	EXAMINATION /EVALUATION	WHO MAKES DECISION	DURATION OF COMMITMENT/ TREATMENT
SECTION 305 Additional Periods of Court Ordered Involuntary Treatment	Patient has been subject to prior 304 commitment. Continued presence of mental illness which led to dangerous behavior and need for continued treatment. Continued dangerous behavior not required.	Director of facility or County Administrator	In writing, signed by petitioner. Form MH-785	Yes	By physician	MHRO makes recommendation, final approval by Judge.	May not exceed 180 days. Commitment may be inpatient, Partial hospitalization or outpatient. Patient may be subject to further Court Ordered commitment. Patient may convert to voluntary status.
SECTION 306 Transfer of Person in Involuntary Treatment							
1) to setting of greater restraint	a) Non compliance with treatment plan. Mental illness present at time of commitment has not improved.	Director of facility or County Administrator	In writing, signed by petitioner. Form MH-788 and Form MH-788.1	Yes	a) Not required	MHRO or Judge	Not to exceed the number of days remaining on the current commitment order.
	b) Patient complies with treatment but mental condition has deteriorated.	Same as above	Same as above	Same as above	b) By physician if requested by court	Same as above	Same as above
2) to setting of lesser restraint	Mental illness present at time of inpatient commitment has improved. Documented need for involuntary outpatient treatment	Director of facility	In writing, signed by Supt./Director of facility or designee. Form MH-788.2	No	Not required	Superintendent/ Director of facility in cooperation with County Administrator.	Not to exceed the number of days remaining on the current commitment order.

SECTION 301 CRITERIA:

Within past 30 days a person has: (1) inflicted or attempted to inflict serious bodily harm on another and that there is reasonable probability that such conduct will be repeated or has made threats of harm and has committed acts in furtherance of the threat; (2) been unable to care for him/herself with a reasonable probability that death, serious bodily injury or serious physical debilitation would ensue within 30 days unless treatment is given; (3) attempted or threatened suicide and committed acts in furtherance of the threat; or (4) substantially mutilated or attempted to mutilate him/herself or threatened self-mutilation and committed acts in furtherance of the threat.

***This checklist provides an overview of MHPA procedures. Please refer to the Act itself for complete information. For specific information concerning voluntary and involuntary admission procedures in your county, please contact the county MH/MR Administrator's Office.**