

Mental Health Procedures Act Sections 201 and 302

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What is the Mental Health Procedures ACT?

- ▶ “This act establishes rights and procedures for all involuntary treatment of mentally ill persons, whether inpatient or outpatient, and for all voluntary inpatient treatment of mentally ill persons.”

Mental Health Procedures Act (302 commitment) states that a person can be held involuntarily for mental health treatment _____ before receiving a hearing.

- ▶ Up to 72 hours
- ▶ Up to 120 hours
- ▶ Up to 20 days



An individual willing to receive inpatient mental health treatment is referred to as a:

- ▶ 201
- ▶ 302
- ▶ 5150



If an individual is willing to go inpatient but family member, police officer, friend, etc. want to file a 302 then the individual will be committed to treatment on a 302.

- ▶ True
- ▶ False



Voluntary Treatment

An individual willing to receive inpatient mental health treatment is referred to as a 201.

If a family member, police officer, friend, etc. want to file a 302, but the individual is willing to go to inpatient treatment voluntarily, then the 302 is not called into the delegate.

Exceptions to 201

- ▶ In certain circumstances, a petition can still be drafted in the event the individual initially seems agreeable to voluntary treatment but commitment to treatment is questionable.
- ▶ Examples: Ongoing psychosis/paranoia, being under the influence, initial agreement to avoid involuntary commitment with a plan to elope or refuse treatment, etc.

If a person is on a mental health unit as a 201 (voluntary) and they want to leave they have to sign a 72 hour notice.

- ▶ True
- ▶ False



Voluntary Treatment

- ▶ If a person wants to leave a mental health unit against medical advice they must sign a 72 hour notice.

The Mental Health Procedures Act states that committable behaviors must be directly related to a:

- ▶ Mental Illness
- ▶ Developmental disability
- ▶ Substance Abuse
- ▶ Brain Injury



Criteria for Commitment

Section 301

- ▶ Behaviors must be directly related to a mental illness. Individuals can not be committed if behaviors are related to dementia, intellectual disability, traumatic brain injury, and/or substance abuse.
- ▶ Clear and present danger to self or others
- ▶ Behaviors occurred within the last 30 days.
- ▶ Act in furtherance of threat.

Criteria for Commitment

Section 301

- ▶ Inflicted or attempted to inflict serious bodily harm on another and there is reasonable probability that such conduct will be repeated; or proof that the person has made threats of harm and committed acts in furtherance of the threat



Example #1 – Harm to Others

- ▶ My son and his daughter have been living with me for several months. Children and youth are involved and have suggested that he receive a mental health evaluation but he refuses. He's constantly threatening that he is going to burn my house down or bust the windows out. He has not followed through with any of his threats. He is upsetting my children, which is affecting them. He doesn't pay attention to his daughter. I feel that he is not caring for his daughter and I am the only person taking care of his daughter. He only gives her apple juice or milk. I feel like he has the potential to be a harm to others in our home and I want him to leave our home.

Example #2 – Harm to Others

- ▶ My husband is diagnosed with bipolar and has not been taking his medications for two weeks. In the past when he is off his medication he became aggressive. Currently, he appears manic and agitated. Last night, my husband told me that he would kill me and stab me in the heart with an ice pick. He punched me in my back and placed both of his hands around my throat. I went to the police and they recommended I file a 302. I am fearful with immediate treatment my husband will seriously harm me.

Criteria for Commitment

Section 301

- ▶ Unable to care for self with a reasonable probability that death, serious bodily injury, or physical debilitation would ensue within 30 days unless treatment is provided.

*Behaviors must be the direct result of a mental illness.



Example #1 – Inability to Care

- My father has been living in the Hidden Meadows Senior center for the last 5-6 weeks and lately he has been demonstrating behavior that is becoming progressively concerning. He has not been himself and is becoming severely paranoid calling his family members accusing us of stealing his money and believing that someone is prank calling him. He is disoriented and easily becomes agitated to the point that the HM staff are concerned that he could become physically violent with them and they encouraged me to bring my father to the ER to seek the appropriate help. He has been talking about things that do not exist and making up stories within the family causing turmoil. I am unable to have a conversation with him because he becomes angered immediately when I try to explain things to him. He is isolating himself at HM, not coming out of room to go to the cafeteria. His appetite is declining although he stated he ate ok today, he has been sleeping more with low energy. My concern is that my father has continued to refuse seeking help and seeing a psychiatrist and that his agitation, paranoia and hallucinations are putting him at risk of endangering himself or others.

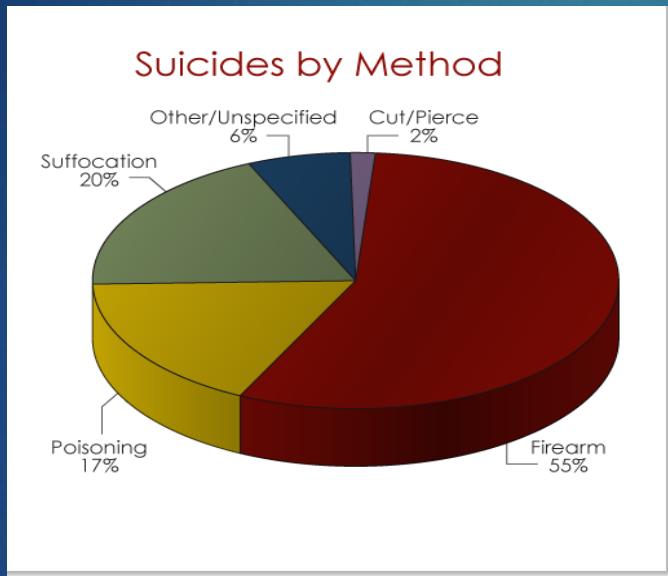
Example #2 – Inability to Care

- ▶ My husband has a diagnosis of Schizophrenia and stopped taking his medications two weeks ago. He is paranoid and delusional. Today when I came home, my oven was left on, my burners on the range were turned on. The coffee pot was empty and turned on. He was passed out in the living room with a lit cigarette and it was on the chair, burning a hole in the chair. Yesterday, the heat was turned up to 90 degrees in the house. We're afraid of him burning the house down with us in it.

Criteria for Commitment

Section 301

- ▶ Attempted or threatened suicide*



- ▶ Threats alone are not sufficient. Requires acts in furtherance of the threat and/or a specific plan associated with the threat.

Example #1 – Suicide

- ▶ Patient suffers from a serious mood disorder with a multiple suicide attempts in the past. Overnight, he took an OD of 20 pills of Wellbutrin in an apparent suicide attempt. He tells me he wanted to kill himself. He is refusing to sign in voluntarily at this point. Without an inpatient psychiatric care, he is at risk of repeating another suicide attempt.

Example #2 – Suicide

- ▶ I have noticed a change in mood with my son over the past few weeks. He constantly talks about how he has nothing to live for and that he is worthless. He expressed that he abuses prescription medication to slow down the thoughts. I feel without emergency treatment he will seriously harm himself.

Criteria for Commitment

Section 301

Substantially mutilated or attempted to substantially mutilate self; or made threats with acts in furtherance



Example #1 – Self Mutilation

- ▶ I noticed my daughter was wearing long sleeves. This was alarming to me because it is 85 degrees out. I asked her to pull up her sleeve. She had five superficial cuts on her arm. She told me she did it yesterday. The cuts do not look like they require any medical attention. I feel without emergency treatment my daughter will continue to cut herself.

Example #2 – Self Mutilation

- ▶ My son has been cutting excessively for the last week. He has cuts on his hands, feet, and face. Cuts are so precise. He has no flesh on his hands from the cutting and now he is starting to cut his face. He said he thinks cutting is good for him and it lets his skin breath. He appears to be hearing voices. He is diagnosed with paranoid schizophrenia and has not been following up with treatment or taking his meds.

Process and Components of a 302

Petitioner

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- First hand knowledge of the behavior
- Willing to initiate legal documentation
 - Petition, statement of dangerous behavior
- Attest to dangerous behavior in the past 30 days (lethality)
- Attend court hearing (if necessary)
- (physicians & police officers)

302 Process

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Witness to dangerous behavior - Petitioner goes to Crisis Center
(Additional options: Mobile Crisis, Crisis Center Call, Co-Responders)

Statement of dangerous behavior- Petition

Petition reviewed with County Delegate

Petition Approved and Warrant Issued

Petition Denied

Warrant given to local Police Dept.

Individual brought to
designated facility

Individual evaluated by a physician

Individual Committed and goes to
treating facility

Petition voided and person is free to
leave

After a delegate approves a warrant, a physician will evaluate an individual and determine whether they will uphold or deny the petition

- ▶ True
- ▶ False



Once the delegate approves a warrant on a 302 petition, the client automatically will go a mental health unit.

- ▶ True
- ▶ False



Once a client is committed to an inpatient psychiatric facility the only way they can be discharged is if the court discharges the person.

- A. True
- B. False



ACT 77 (Notification of Mental Health Commitment)

- ▶ ACT 77
 - ▶ If a petition is upheld by a physician, ACT 77 notifications prohibit the individual from retaining or obtaining a firearm.
 - ▶ The Pennsylvania Uniform Firearms Act, which specifies that it shall be unlawful for any person who has been involuntarily committed to a mental institution for inpatient care and treatment under Section 302, 303, or 304 of the Mental Health Procedures Act to possess, use, manufacture, control, sell or transfer firearms, or to obtain a license for such purposes.
 - ▶ Completed Paperwork is sent to State Police and local Sheriff's department by Department of BH/DP
 - ▶ Appeal process (Court of Common Pleas)

- ▶ Will include name of delegate and time and date
- ▶ Allows for the individual to be held at current facility, or detained and brought to an evaluating facility



302 Process

- ▶ Mental Health Law (302 commitment) states that a person can be held involuntarily in a mental health facility up to 120 hours before receiving a hearing.
- ▶ A physician will determine within the 120 hours if he/she will schedule a 303 hearing.

Subsequent to the 302

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