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GOVERNOR

State of Alabama Department of Corrections

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JOHN Q. HAMM
COMMISSIONER

March 8, 2024

**ADMINISTRATIVE REGULATION
NUMBER** 634

OPR: HEALTH SERVICES

COURT-ORDERED MENTAL HEALTH HOSPITAL-LEVEL CARE

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the policies, procedures, and responsibilities for referring inmates within ADOC custody for court-ordered mental health hospital-level care either during their incarceration or at their end-of-sentence.

II. POLICY

It is the policy of the ADOC to ensure that a process is maintained for petitioning courts for the Involuntary Commitment of inmates within ADOC custody who, as a result of a Serious Mental Illness, present an ongoing risk of severe symptoms or functional impairment that has not improved after receiving the highest level of mental health services available within the ADOC.

III. DEFINITIONS AND ACRONYMS

- A. **Involuntary Commitment**: A legal process in which ADOC petitions a court to obtain court-ordered mental health hospital-level care for an inmate diagnosed with a mental illness who has not voluntarily consented to necessary care in a less-restrictive setting.
- B. **Sanity Commission**: A three-member panel of designated Vendor clinicians responsible for evaluating and making a recommendation regarding a specific inmate being considered for Involuntary Commitment.
- C. **Serious Mental Illness (SMI)**: Psychotic Disorders, Bipolar Disorders, and Major Depressive Disorder; any diagnosed mental disorder (excluding substance use disorders) currently associated with serious impairment in psychological, cognitive, or behavioral functioning that substantially interferes with the person's

ability to meet the ordinary demands of living and requires an individualized treatment plan by a qualified mental health professional(s).

- D. **Stabilization Unit (SU):** A designated residential unit that provides the highest level of intensive mental health services within the ADOC for inmates who either are experiencing severe psychiatric symptoms or remain at acute risk of harming themselves or others after crisis intervention has been insufficient to address these problems.

IV. **RESPONSIBILITIES**

- A. The ADOC Director of Mental Health Services is responsible for ensuring oversight of the development of this AR.
- B. The ADOC Director of Psychiatry is responsible for ensuring this AR is consistent with relevant professional standards.
- C. The ADOC Regional Psychologists are responsible for oversight and monitoring of the implementation of this AR.
- D. The Warden (or designee) at each facility is responsible for ensuring that ADOC security staff at that facility receive training on the implementation of this AR.
- E. The Vendor Mental Health Program Director is responsible for ensuring that all Vendor staff receive training on the implementation of this AR.
- F. The Vendor Health Services Administrator and the Vendor Mental Health Site Administrator at each facility are jointly responsible for ensuring that all Vendor staff at that facility receive training on the implementation of this AR.

V. **PROCEDURES**

- A. Referral for Court-Ordered Mental Health Hospital-Level Care:
 - 1. An inmate's Treatment Team will use clinical judgment in recommending the referral for court-ordered mental health hospital-level care if that inmate has not sufficiently improved while in the SU.
 - 2. The inmate's Treatment Team will document and forward its referral on ADOC Form MH-025, *Psychiatrist/CRNP Progress Note*, to a Sanity Commission and will consider:
 - a. Pertinent mental health records documenting that inmate's diagnosed mental illness.

- b. Documented evidence of ongoing risk of self-harm or harm to others due to that diagnosed mental illness.
- c. Evidence that the inmate will experience further deterioration in mental or physical function if not treated.
- d. Treatment is available, and court-ordered mental health hospital-level care is the least-restrictive alternative necessary.

B. Sanity Commission:

1. The Sanity Commission will evaluate the Treatment Team's referral and supporting clinical documentation in determining whether that inmate meets criteria for a petition to probate court.
2. The Sanity Commission will include the following three Vendor clinical staff who are not members of the inmate's Treatment Team:
 - a. A psychiatrist or attending physician (chairperson).
 - b. A licensed psychologist.
 - c. A mental health registered nurse or licensed practical nurse.
3. The Sanity Commission will hold a hearing within two (2) working days from the Chairperson's receipt of the Treatment Team's referral.
4. The Sanity Commission may only approve the Treatment Team's referral by majority vote, which must include the Chairperson's concurrence.
5. The Sanity Commission will document its discussion and determination, including the clinical rationale for either approving or denying the Treatment Team's referral, on ADOC Form MH-064, *Record of Sanity Commission Hearing*:
6. Within one (1) working day of the Sanity Commission's determination, the Vendor Mental Health Site Administrator (or designee) at the facility where that inmate is currently housed will forward a copy of the completed ADOC Form MH-064, *Record of Sanity Commission Hearing*, to the following individuals:
 - a. That inmate's Treatment Team;
 - b. The ADOC Director of Psychiatry;
 - c. The ADOC Regional Psychologist;

- d. The ADOC Psychological Associate at that facility.
7. The ADOC Psychological Associate will notify the designated Alabama Department of Mental Health coordinator of the decision within one day, and the Regional Psychologist of the pending probate court hearing.
- C. Petition for Involuntary Commitment:
1. Within two (2) working days of receiving ADOC Form MH-064, *Record of Sanity Commission Hearing*, the ADOC Psychological Associate will complete and forward the ADOC General Counsel (or designee) the following forms:
 - a. ADOC Form MH-064, *Record of Sanity Commission Hearing*.
 - b. ADOC Form MH-065, *Probate Court Petition*.
 - c. ADOC Form MH-066, *Court-Ordered Mental Health Hospital-Level Care Petitioner Information Form*.
 - d. ADOC Form MH-069, *Petition for Involuntary Commitment*.
 2. The ADOC General Counsel (or designee) will ensure that the documents necessary for petitioning for court-ordered mental health hospital-level care, including the completed ADOC Form MH-069, *Petition for Involuntary Commitment*, are filed with the appropriate court.
 3. Once the ADOC General Counsel (or designee) receives notice that the appropriate court has set the petition for Involuntary Commitment for hearing, the ADOC General Counsel (or designee) will assist, as necessary, in ensuring that the individuals attending and testifying at that hearing receive a copy of that notice.
 - a. The ADOC Director of Mental Health Services will ensure that all necessary and court ordered ADOC staff are available to attend and testify at that hearing.
 - b. the Vendor Mental Health Program Director will ensure that all necessary and court-ordered Vendor staff, which will always include the treating psychiatrist and/or other designated QMHPs, are available to attend and testify at that hearing.
- D. Order for Involuntary Commitment: Once the ADOC General Counsel (or designee) receives notice that the appropriate court has issued an Order for Involuntary Commitment, the ADOC General Counsel (or designee) will assist, as

necessary, in ensuring that the ADOC Director of Mental Health Services receives a copy of that Order.

2. The ADOC Director of Mental Health Services will forward a copy of that Order to the ADOC Regional Psychologist and the ADOC Psychological Associate at the facility where the inmate is housed.
3. The ADOC Psychological Associate at the facility where the inmate is housed will:
 - a. Contact the designated coordinator in the Alabama Department of Mental Health to arrange the earliest possible date for the inmate's admission to the designated psychiatric hospital.
 - b. Forward a completed Alabama State Psychiatric Hospital Admission form and a copy of the court's Order for Involuntary Commitment to the receiving psychiatric hospital prior to transfer.
 - c. Notify the ADOC Regional Psychologist and the Vendor Mental Health Site Administrator at the facility where that inmate is currently housed of the Governor's Commitment Order and the request for transfer to the Alabama Department of Mental Health.
 - d. File the following documents in the mental health section of the inmate's medical record:
 - (1) The completed original ADOC Form MH-064, *Record of Sanity Commission Hearing*.
 - (2) The completed original ADOC Form MH-065, *Probate Court Petition*.
 - (3) The completed original ADOC Form MH-066, *Court-Ordered Mental Health Hospital-Level Care Petitioner Information Form*.
 - (4) The completed original ADOC Form MH-069, *Petition for Involuntary Commitment*.
 - (5) A copy of the court's Order for Involuntary Commitment.
 - e. File a copy of the court's Order for Involuntary Commitment in the inmate's medical record.
 - f. Forward a copy of the documents listed in Section V.D.3.d.(2)–(5) above to the ADOC Classification to file in that inmate's Institutional File.

4. The ADOC Regional Psychologist will:
 - a. Monitor the status of transfer requests to the Alabama Department of Mental Health and request assistance when a transfer is delayed for more than five (5) working days from.
 - b. Notify the ADOC Director of Mental Health Services and the ADOC Director of Psychiatry whenever the status of the pending transfer changes and when the transfer is completed.
 - c. Forward a copy of the documents listed in Section V.D.3.d.(1)–(4) above to the ADOC Director of Mental Health Services.
5. The ADOC Director of Classification will ensure that the inmate's transfer to a designated psychiatric hospital is prioritized once the designated psychiatric hospital provides the ADOC Director of Mental Health Services notification is received from the hospital that space is available.

E. Monthly Statistical Reporting and Forms:

1. Each month, the Vendor Mental Health Site Administrator (or designee) at each facility will submit ADOC Form MH-077, *Intensive Psychiatric Stabilization Unit: Transfers to State Psychiatric Hospital*, in accordance with AR 636, *Mental Health Services Reporting*.
2. The Vendor will monitor the interval from treatment team recommendation through transfer to a designated psychiatric hospital as part of the quality improvement program.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

- A. ADOC Form MH-040, *Progress Notes*.
- B. ADOC Form MH-064, *Record of Sanity Commission Hearing*.
- C. ADOC Form MH-065, *Probate Court Petition*.
- D. ADOC Form MH-066, *Court-Ordered Mental Health Hospital-Level Care Petitioner Information Form*.

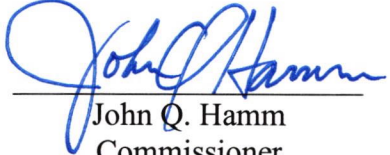
- E. ADOC Form MH-069, *Petition for Involuntary Commitment*.
- F. ADOC Form MH-077, *Stabilization Unit: Transfers to Court-Ordered Mental Health Hospital-Level Care*.

VIII. SUPERSEDES

This Administrative Regulation supersedes AR 634, *Transfer to State Psychiatric Hospital*, dated September 29, 2004, and any related changes.

IX. PERFORMANCE

- A. Code of Alabama 1975 § 14-1-1.1 *et seq.*
- B. NATIONAL COMMISSION ON CORRECTIONAL HEALTH CARE, STANDARDS FOR HEALTH SERVICES IN PRISONS (2018).
- C. NATIONAL COMMISSION ON CORRECTIONAL HEALTH CARE, STANDARDS FOR MENTAL HEALTH SERVICES IN CORRECTIONAL FACILITIES (2015).



John Q. Hamm
Commissioner

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
MENTAL HEALTH SERVICES

RECORD OF SANITY COMMISSION HEARING

To: Commissioner of the Alabama Department of Corrections

From: The Sanity Commission

Re: Hearing for Recommendation of Petition to Probate Court for commitment to a designated psychiatric hospital

Inmate _____ **AIS#** _____

A Sanity Commission hearing was conducted on _____ (date) in accordance with ADOC Administrative Regulation 634, *Court-Ordered Mental Health Hospital-Level Care*.

A petition for court-ordered admission to a state-designated mental health facility

IS recommended.

IS NOT recommended.

Explanation of findings and decision:

Members	Approve	Date:
Chair:	<input type="checkbox"/> Y <input type="checkbox"/> N	
Member:	<input type="checkbox"/> Y <input type="checkbox"/> N	
Member:	<input type="checkbox"/> Y <input type="checkbox"/> N	

Disposition: Inmate Medical Record/MH Tab, Institutional Inmate File, Central Records File, ADOC Legal Counsel, ADOC Director of Mental Health Services, Vendor Mental Health Program Director, Site Administrator



**Statement Of Sentence
Probate Court Petition**

Name: _____

AIS#: _____

County: _____ **Race:** _____ **Gender:** _____ **DOB:** _____

Offense: _____

Date of Sentence: _____

Length of Sentence: _____

Expiration of Sentence – Long Release: _____

Expiration of Sentence – Minimum Release: _____

Prior Parole Release: _____

Return to ADOC following Parole: _____

Release by End of Sentence (EOS): _____

ADDITIONAL REMARK(S):

SUBMITTED THIS THE _____ DAY OF _____, 20_____.

Signature and Title

DISPOSITION: Director of Mental Health Services, Inmate Medical Record, Institutional Inmate File, Central Records File, ADOC Legal Counsel

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS

**Court-Ordered Mental Health Hospital-Level Care
Petitioner Information Form**

Name:	AIS:
Facility:	County of Origin:
DOB:	Gender:

Beta IV Score:	WRAT -RL Score:
Intellectual Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No	

Offenses:	Sentence:

Disciplinary History:

Behavioral Observations:

Other Information:

Psychological Associate:

Name:	Date:
Sign:	

ADOC Form MH-066
03-2024

Disposition:

ADOC Director of Mental Health Services, Inmate Health Record; Institutional File, Central Records File; ADOC Legal Counsel

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
MENTAL HEALTH SERVICES

STATE OF ALABAMA PROBATE COURT

COUNTY: _____ CASE NUMBER: _____ C- _____

RESPONDENT: _____

PETITION FOR INVOLUNTARY COMMITMENT

Comes now petitioner, _____, and respectfully submits unto your Honor that respondent, _____, is _____ years of age and a resident of _____ County, Alabama, residing at _____ Correctional Facility and that the petitioner has reason to believe that the respondent is mentally ill; that the respondent poses a real and present threat of harm to self or others; and that such beliefs are based on the specific behavior, acts, attempts or threats specified and described as follows (as certified by the respondent's treatment team):

Wherefore, petitioner prays the Court will take jurisdiction of this matter, that a day be set for a hearing on this petition; that notice of the date, time and place of the hearing be given to the respondent; and that Guardian ad litem be appointed to represent said respondent.

The petitioner has no relationship to the respondent.

Respectfully submitted this _____ day of _____, 20__.

Sworn and subscribed before me
this _____ day of _____, 20__

Petitioner
Address:

Telephone (Work): _____

Telephone (Home): _____

Notary Public

ADOC Form MH-069
03-2024

Disposition: ADOC Director of Mental Health Services, Central Records File, Inmate Medical Record, Institutional Inmate File, ADOC Legal Counsel

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
MENTAL HEALTH SERVICES

STABILIZATION UNIT: TRANSFERS TO COURT-ORDERED MENTAL HEALTH HOSPITAL-LEVEL CARE

Institution: _____ Month/Year: _____ Completed by: _____

Inmate Name	AIS#	Date of Treatment Team Recommendation	Date of Sanity Commission Decision	Date Commitment Process Completed	Date of Transfer	Hospital Transferred To