


GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER		
TITLE: 72 - Hour Hold & 28 Day Certification: Involuntary Hospitalization for Evaluation and Treatment	POLICY NO: CL-AP-14	Page 1 of 6
RESPONSIBILITY: Crisis Stabilization Unit		
APPROVED BY:  Theresa C. Arriola, Director	EFFECTIVE: 10/27/2017	
	LAST REVIEWED/REVISED: 11/16/2018; 5/19/22 <i>6/13/22</i>	

PURPOSE:

- A. To provide a guideline for Guam Behavioral Health and Wellness Center (GBHWC) staff to ensure compliance with the legal requirements of civil commitment of mentally ill persons set forth by 10 GCA Chapter 82 Article 2 Involuntary Hospitalization and Article 3 Certification for Intensive Treatment.
- B. Allow necessary time for psychiatric evaluation, treatment stabilization for consumers that require involuntary hospitalization at GBHWC in accordance with 10 GCA Chapter 82 Article 2 Involuntary Hospitalization and Article 3 Certification for Intensive Treatment.

POLICY:

- A. It is the policy of GBHWC to uphold the provisions for 72-hour involuntary hospitalization of mentally ill articulated by 10 GCA Chapter 82 Article 2 Involuntary Hospitalization. Civil commitment of mentally ill persons shall be utilized only as a last resort, making every reasonable effort to treat the persons on a voluntary basis.
- B. Only a qualified mental health professional as defined in *10 GCA Chapter 82 Article 1 § 82101 (g)* (i.e., psychiatrist, clinical psychologist, certified psychiatric nurse at a master's level, physician) is authorized to evaluate a person to be detained for **72-hour hold civil commitment**.
 1. If in the judgement of the qualified health professional providing the evaluation, the person can be properly treated without being detained, the person shall be provided with an evaluation, crisis intervention and referral to other services on a voluntary basis [10 GCA Chapter 82 Article 2 § 82201 (d)].
 2. If a person is found to be a danger to self, a danger to others or gravely disabled due to mental illness he / she may be detained for evaluation and treatment in the Crisis Stabilization Unit (CSU) for a period not to exceed 72 hours, Saturdays, Sundays and holidays excluded [10 GCA Chapter 82 Article 2 § 82201 (c)].
- C. Crisis Stabilization Unit (Child Inpatient Unit and Adult Inpatient Unit) staff shall advise each person admitted for a 72 hour evaluation and treatment. The information shall be given orally and in writing using the advisement form (see attachment *F-CL-AP-14.2 Involuntary Advisement Form*) and a copy shall be kept in the consumer's medical record with the consumer rights pursuant to *10 GCA Chapter 82 Article 6 Legal and Civil Rights*.
- D. Each consumer admitted for a 72-hour hold evaluation and treatment shall be released prior to the lapse of that period if that consumer has been determined to be stable. At the end of the 72-hour period, a consumer who has been detained for evaluation shall either be:
 1. continually treated in the inpatient unit on a voluntary basis if clinically indicated; or
 2. Be certified for intensive treatment on the 28-day certification as set forth in 10 GCA Chapter 82 Article 3 if there is a further need for civil commitment; or

3. Release from in-patient care.

E. The **28-day Certification for Intensive Treatment** shall be applied if the person continues to meet one of the three involuntary hold criteria (1) a danger to self, and (2) a danger to others or (3) gravely disabled due to mental illness at the end of the 72-hour hold evaluation period and refuses voluntary treatment.

1. The consumer shall remain in treatment upon the written certification of two qualified mental health professionals that treatment is necessary. Involuntary intensive treatment shall continue under the following conditions articulated under *10 GCA Chapter 82 Article 3 § 82301 (d)*
 - i. The consumer has been advised that he/she needs voluntary treatment but has not accepted it, and
 - ii. A consumer who is a danger to self, a danger to others or gravely disabled as a result of a mental illness may be certified for intensive treatment only after a finding by the Court that alternative, non-institutional care, capable of providing appropriate care support is not available on an outpatient basis and after finding by the Court that the facility has the capability to provide intensive treatment for the consumer.
2. Certification shall be no more than 28 days, and consumers who do not agree to receive further treatment on voluntary basis must be released at the end of the 28 days.
 - i. Consumer shall be evaluated regularly and certification terminated as soon as the qualified mental health professional staff providing intensive treatment opined that the consumer has improved sufficiently for him to be discharged prior to the expiration of civil commitment certification or is prepared to accept voluntary treatment.

F. At the expiration of the 28 day certification, a petition for a **Post Certification Treatment for Imminently Dangerous Persons** can be filed at the Superior Court by a qualified mental health professional in charge of the consumer for an additional period not to exceed 90 days if the consumer:

1. Has threatened, attempted, or inflicted physical harm upon himself or the person of another after having been taken into custody for evaluation and treatment, and who, as a result of a mental illness, presents an imminent threat of substantial physical harm to himself or others; or
2. Had attempted or inflicted physical harm upon the person of another, that the act having resulted in his being taken into custody and who presents, as a result of a mental illness, an imminent threat of substantial harm to others as set forth in 10 GCA Chapter 82 Article 5 section 82501.

G. GBHWC shall provide an avenue for involuntary consumers to request release from civil commitment. Any CSU staff on duty shall promptly provide the consumer *F-CL-AP-14.3 Request for Release Form* and assist consumer in completing the form when requested.

DEFINITIONS:

1. Gravely disabled	A person who, as a result of mental disorder, is unable to use the elements of life which are essential to health or safety, including food, clothing or shelter, even though provided to the person by others.
2. Mentally Ill	A person having a psychiatric or other disorder which substantially impairs the person's mental health. It does not include a person suffering from epilepsy, mental retardation, or brief periods of intoxication caused by substances such as alcohol or drugs.

3. Qualified mental health professional	A licensed professional qualified by training or experience in the diagnosis of mental or related illness. The following licensed professionals shall be so designated: psychiatrist; clinical psychologist; a certified psychiatric nurse at the Master's level; and a physician as set forth in 10 GCA Chapter 82 Article 1.
4. Treatment	shall mean any therapy approved by the American Psychiatric Association or other recognized medical body, but shall not include those forms of treatment known as Electroconvulsive Shock, Insulin Shock, Psycho-Surgery or any other measure which requires the physical invasion of the consumer's body.
5. 28 Day Certification	A written certification of two qualified mental health professionals for involuntary intensive treatment of a consumer in a 72hour hold that still is a danger to self and others or is gravely disabled due to mental illness.
6. Petition for post certification treatment	A petition to the superior court requiring an individual in the 28 day intensive treatment period to undergo an additional period of treatment beyond the 28-day certification.

PROCEDURE:

A. Referral of Consumer for Evaluation

1. Any individual can present a consumer for evaluation and treatment (i.e., relative, Center staff member, law enforcement officer, etc.).
2. Screening/Intake worker shall screen and assess consumer if eligible for services; If a consumer is found to be a danger to himself and or to others, or gravely ill due to mental illness but refuses treatment and/ or admission to a crisis stabilization unit, shall be referred to a Psychiatrist, Physician, Clinical Psychologist or Certified Psychiatric Nurse at a master's level on call for a 72 hour hold and evaluation.
3. F-CL-AP 14.1 72- hour hold application form shall be completed by the petitioner, or intake worker assessing the consumer.
4. The person bringing the consumer in for evaluation must be instructed to stay with the consumer until the evaluation is completed and a disposition is determined as required by law.
5. If a law enforcement officer is presenting a consumer for evaluation, his/her written report on the reasons for detaining a person for evaluation shall be included in the 72-Hour Hold Order Application Form.
 - i. The law enforcement officer shall provide for the safety of others during the evaluation, if necessary.
 - ii. Only a law enforcement officer may use reasonable force to restrain and detain a person (that is believe to meet the criteria for involuntary hospitalization) in need of evaluation.
 - iii. Intake worker must notify the law enforcement officer, or the police department, if the qualified health professional conducting the evaluation finds that the consumer does not meet the criteria for a 72 hour hold.

B. Evaluation and admission of consumer for 72 hour hold

1. Only a qualified mental health professional are authorized to evaluate a consumer and determine if a 72-hour hold is necessary.
2. The qualified mental health professional on call must evaluate the consumer as soon as possible and shall make the determination if a consumer is appropriate and meets the criteria for involuntary admission.
3. A *F-CL-AP 14.1 72- hour hold application* shall be completely filled out signed, dated by the qualified mental health professional and placed in the consumer's medical record.
4. Intake worker shall email an encrypted copy to the Guam Legal Services Executive Director (daniel.somerfleck@guamlsc.org) within the following time frames upon its execution by the qualified mental health professional:
 - i. Monday through Fridays during business hours from 8:00 a.m. to 5:00 p.m. shall be emailed within one (1) hour.
 - ii. On weekends, holidays and before 8:00 a.m. and after 5:00 p.m. shall be emailed within three (3) hours.
5. Upon admission the involuntary consumer advisement form (F-CL-AP-14.2 Involuntary Advisement Form) shall be completed by the admitting nurse and the consumer informed of his/her involuntary admission and read his/her rights and responsibility
 - i. If advisement is not possible upon admission, it should be documented on the advisement form.
 - ii. Attempts to advise the consumer must be made at every shift following admission and documented until advisement form is completed.
 - iii. A copy of the advisement form must be placed in the medical record and a copy must be given to the consumer and/or legal guardian.
 - iv. If advisement was not completed, a statement of good cause must be documented.
6. Admitting doctor must document admission and justification of the 72 hour hold in the electronic behavioral health record progress notes signed and dated.
7. Admitting nurse in the unit must document admission status in the nursing shift form in the electronic behavioral health record.
8. Nurse on duty per shift shall document any changes to the involuntary status of the consumer in the nursing shift note.
9. Each person admitted for a 72-hour involuntary hospitalization shall be released prior to the lapse of that period. If in the opinion of the qualified mental health professional the person is still a danger to self and/or to others or gravely disabled, the following protocol will be followed;
 - i. The consumer is referred for further treatment on a voluntary basis and the consumer consents by voluntarily signing the appropriate forms
 - ii. If the consumer refused further treatment or hospitalization a written certification called a 28-day certificate for intensive treatment of two (2) qualified mental health professionals stating the need for further inpatient treatment will be applied for in court.
 - iii. Certification shall be required for any involuntary 28-day intensive treatment after a 72 hour hold.

C. Attending Psychiatrist Review of 72- Hour Involuntary Detention Application

1. If the attending psychiatrist/physician is not the admitting qualified health professional, he/she shall assess the consumer and review the 72 hour hold as soon as possible after admission.
2. Attending Psychiatrist/Physician shall include a justification of the continued stay of the consumer in the electronic behavioral health record progress notes.

3. Shall ensure that 72 hour hold application form is signed by the admitting qualified mental health professional.
4. Conduct daily rounds and document progress of the consumer in the electronic behavioral health record.

D. 28-day Certification for Intensive Treatment Application

1. If a consumer is still a danger to self and to others or gravely disabled upon expiration of the 72-hour hold but refused further treatment, a 28-day certification will be filed to detain the consumer involuntarily.
2. Two qualified mental health professionals shall evaluate the consumer prior to expiration of the 72-hour hold and certify that a consumer is still a danger to self, a danger to others or is gravely disabled because of mental illness, and needs to remain in treatment.
3. *F-CL-AP-14.3 involuntary 28-day intensive treatment certification form* shall be completed up by the attending psychiatrist/physician and co-signed by another qualified mental health professional who also evaluated the consumer.
4. The attending psychiatrist/physician documents the findings and the process in the electronic behavioral record progress note.
5. The assigned social worker shall notify the court of the Certificate on the first working day following its issuance, and shall document the name of the court official that was notified in the 28-day certification form. The court shall appoint legal counsel to represent the consumer.
6. Copies of the certificate notice shall be presented to the Superior Court of Guam, Consumer, Consumer attorney and or Legal Guardian.
7. One of the qualified mental health professionals who performed the evaluation shall be required to be present for the hearing, set by the court and held within 72 hours of the issuance of the certificate.
8. *F-CL-AP-14.4 Request for Release form* shall be provided to consumer who verbalized request to be released from involuntary certification prior to the expiration of the 28-day certification treatment.
9. Attending Psychiatrist/physician shall evaluate the requesting consumer.

E. Request for Release from Involuntary 28-Day Intensive Treatment

1. Staff receiving the request shall provide the *F-CL-AP-14.4 Request for Release form* to consumer requesting to be released from involuntary certification prior to the expiration of the 28-day certification treatment.
2. Staff should assist the consumer in signing the form.
3. Staff informs Psychiatrist or attending Physician of the request promptly.
4. Attending Psychiatrist /Physician shall evaluate the consumer and fill out the form promptly.
5. AIU social worker shall facilitate the petition and shall give a copy of the completed form to the Superior Court of Guam no later than the next working day.

F. Post Certification Treatment Petition

1. At any time during the 28 day period of intensive treatment, a consumer may be further detained for further treatment for an additional period not to exceed 90 days if he/she is still a danger to self and to others, and refuses to give consent for voluntary confinement.
2. The attending psychiatrist/physician shall petition the Superior Court for an order requiring the consumer to undergo an additional period of treatment on the grounds set forth in *10 GCA Chapter 82 Article 5 section 82501*.

3. The petition shall summarize the facts which support the contention that the consumer falls within the standard set forth in *10 GCA Chapter 82 Article 5 section 82502*:
 - i. Has threatened, attempted, or inflicted physical harm upon himself or others and who as a result of mental illness presents an imminent threat of substantial harm to him/herself or others while under the involuntary 28-day intensive treatment.
4. Copies of the petition for post certification treatment and the affidavits in support thereof shall be served upon the consumer named in the petition and his attorney on the same day as they are filed with the Clerk of the Superior Court.

REFERENCE(S):

10 GCA Health and Safety Chapter 82 Mentally Ill Persons

ATTACHMENT(S):

F-CL-AP- 14.1 72-Hour Hold Order Application Form: Involuntary Psychiatric Hospitalization
F-CL-AP- 14.2 Consumer Involuntary Hospitalization Advisement Form
F-CL-AP- 14.3 28-Day Certification Application for Intensive Treatment
F-CL-AP-14.4 Request for Release from Involuntary 28 day intensive treatment
F-CL-AP-14.5 Post Certification Application Petition Form



GBHWC 72 hour hold Order Application

(10 GCA Chapter 82 Article 2 Involuntary Hospitalization)

Proposed Consumer: _____ Age _____ Sex _____ Address: _____

Name of Parent/ legal Guardian _____ Contact No: _____

Person Making Application: Police Officer Family Member Health Professional Others _____

I hereby make this written application to the Guam Behavioral Health and Wellness Center for the evaluation of the above named consumer for admission. I believed this person is mentally ill, and as a result is a, danger to self, danger to others or gravely disabled. (List facts upon which allegations of mental health disorder and as a result is a danger to self and to others and or gravely disabled are based. Include a statement with identifying information regarding any individuals who might be endangered if this person is not held.)

Indicate by checking this box if criminal charges may be filed. (The police officer/GPD will be notified if the person is not admitted or if person is released prior to end of 72 hours)

Name: _____ Title: _____ Agency: _____

Signature: _____ Date: _____ Time: _____

Qualified Mental Health Provider on Duty's Statement: Upon preliminary examination, it is my opinion as Psychiatrist Clinical Psychologist Certified Psychiatric Nurse Practitioner Physician, that this person Has symptoms of mental illness and as a result of mental illness is gravely disabled A danger to self A danger to others

(Pls. specify symptoms and findings in the space provided. Use back page if needed)

Does not have symptoms of mental illness (if intoxicated pls. specify) _____

I do recommend 72-hr. hold involuntary hospitalization for evaluation and treatment.

I do not recommend 72-hr. hold involuntary hospitalization. Consumer advised.

Name: _____ Title: _____ Position _____

Signature: _____ Date: _____ Time: _____



GBHWC Involuntary Hospitalization Consumer Advisement

(10 GCA Chapter 82 Article 2 Involuntary Hospitalization)

Consumer: _____ DOB: _____ MR#: _____

Admit Date: _____ Time: _____

Advisement:

You are being placed in Guam Behavioral Health and Wellness Center Crisis Stabilization Unit because it is our professional opinion that, as a result of a mental health disorder, you are likely to (check applicable):

- be a danger to yourself
- a danger to others
- gravely disabled unable to take care of your own food, clothing, and housing needs

We believe this is true because: (List facts upon which allegations of danger to self and or others or gravely disabled due to mental health disorder are based, including facts arising from the admission interview)

You will be held for a period of 72 hours. During these 72 hours you will be evaluated by GBHWC staff, and you may be given treatment, including medications. It is possible for you to be released before the end of the 72 hours. But if the staff deemed that you need continued treatment, you can be held for a longer period of time upon the written certification of two Psychiatrist or other qualified mental health provider. If you are held longer than 72 hours, you have the right to a lawyer and a qualified interpreter and a hearing before a judge. If you are unable to pay for the lawyer, then one will be provided to you free of charge.

If you have questions about your legal rights, we can refer you to a patient advocate the Guam Legal Services.

- Advisement Complete
- Advisement Incomplete: (document a statement of good cause) _____

* Advisement shall continue each shift until it is completed

Staff Name: _____ Position: _____

Signature _____ Date: _____ Time _____



GBHWC 28- Day Certification Application

(10 GCA Chapter 82 Article 3)

Consumer: _____ Age _____ Sex _____ Admit Date: _____ Time: _____

Name of Parent/ Legal Guardian _____ Address _____ Contact No: _____

Qualified Mental Health Provider on Duty's Statement

I am the attending Psychiatrist/Physician and have examined the consumer named on this application within 48- 60 hours of the 72 hour hold in the Crisis Stabilization Unit of GBHWC. It is my opinion that there is a need for continued treatment and evaluation. The following information has been established indicating continued presence of a mental illness and the need for following services;

(Please specify continued symptom and the treatment needed)

As a result of mental illness the consumer continues to be a Danger to Self Danger to others Gravely disabled if not hospitalized. The consumer has been advised of the need for the following service, but has not been able or willing to accept treatment on a voluntary basis:

We have reviewed the statements above which reflects our observation and opinions with respect to the certification of the patient herein.

Psychiatrist/Physician filling out Certification:

Name: _____ Title: _____ Position _____
Date _____
Signature: _____ Examined: _____ Time: _____

Second Qualified Mental Health Professional: (Psychiatrist/Physician)

Name: _____ Title: _____ Position _____
Date _____
Signature: _____ Examined: _____ Time: _____

"The Court shall be notified of the Certificate on the first working day following its issuance. The Court shall appoint legal counsel to represent the person being detained." [10GCA 82301(b)]

Name of Court Official notified by phone: Date _____ Time _____

Name: _____ Title: _____ Position _____

Copies of this Certificate notice shall be presented to the Supreme Court of Guam, Consumer, Consumer Attorney, Attorney General's Office, and treating facility. [10 GCA 82303(a)]

Other person/patient wishes to be notified of this Certification: [10GCA 82303(b)]:

Name: _____ Relationship: _____

Consumer's Signature Acknowledging: _____ Date: _____



GUAM BEHAVIORAL HEALTH & WELLNESS CENTER

790 Gov. Carlos G. Camacho Rd. Tamuning, Guam 96913

TEL: (671) 647-5440 FAX: (671) 649-6948

Request for Release from Involuntary 28-Day Intensive Treatment

I, _____, a member of the staff have today received a
(first and last name)
request for release from the undersigned consumer.

Signature or Mark of Consumer

Signature of Witness

Staff on Duty Signature: _____ **Position Title:** _____
Date: _____ **Time:** _____

Attending Qualified Mental Health Provider: I am a Psychiatrist / Physician. Upon preliminary examination, it is my opinion that this person:

- Has symptoms of mental illness and as a result of mental illness is still
- Gravely disabled
- A danger to self
- A danger to others

(Please specify symptoms and findings in the space provided)

- I do recommend continuation of involuntary hospitalization for treatment.
- Can be released from involuntary confinement

Name: _____ **Title:** _____ **Position:** _____
Signature: _____ **Date:** _____ **Time:** _____

Received by Superior Court of Guam:

Name: _____ **Title:** _____ **Position:** _____
Signature: _____ **Date:** _____ **Time:** _____



GBHWC Petition for Post Certification for Imminently Dangerous Persons

(10 GCA Chapter 82 Article 5 Section 82501)

Consumer: _____ Age _____ Sex _____ Admit Date: _____ Time: _____

Name of Parent/ Legal Guardian _____ Address _____ Contact No: _____

28 day Certification Involuntary Hold Start Date: _____ Expiration Date _____

Qualified Medical Professional / Attending Psychiatrist/Physician

I am the attending Psychiatrist/Physician and have examined the consumer named on this petition in the Crisis Stabilization Unit of GBHWC prior to the expiration of 28 day certification. In my opinion there is a need for continued treatment as consumer meets the provisions articulated in *10 GCA Chapter 82 Article 5 Section 82501* for post certification treatment. The following information has been established indicating continued presence of an imminent threat of substantial physical harm to self and others due to mental illness and the need for following services; (please specify continued symptom and the treatment needed; summarize the facts which support the contention that the individual falls within the standard set forth in section 82501 of 10GCA Chapter 82)

As a result of mental illness the consumer continues to be a [] Danger to Self [] Danger to others [] Gravely Disabled if not hospitalized. The consumer has been advised of the need for the following service, but has not been able or willing to accept treatment on a voluntary basis:

I have reviewed the statements above which reflects my observation and opinions with respect to the petition for post certification treatment of the patient herein.

Qualified Medical Professional: _____ Title _____ Date Examined: _____

"The Court shall be notified of the Petition on the first working day following its issuance, the form will be filed with the Clerk of the Superior Court." [10GCA 82501(b)]

Superior Court staff receiving the petition: _____ Date _____ Time _____

Copies of this petition notice shall be served upon the Consumer and Consumer's Attorney on the same day as they are filed with the clerk of the Superior Court [10 GCA Article 5 82502(b)]

Other person patient wishes to be notified of this Petition: [10GCA Article 5 82501(b)]:

Name: _____ Relationship: _____

Consumer's Signature: _____ Date: _____



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REVIEW AND ENDORSEMENT CERTIFICATION

The signatories on this document acknowledge that they have reviewed and approved the following:

Policy Title: 72 hour hold & 28 Day Certification: Involuntary Hospitalization for Evaluation and Treatment

Policy No: CL-AP-14

Initiated by: Cydsel Toledo

Date	Signature
May 19, 2022	

Dr. Davina Lujan
Medical Director

Date	Signature
May 24, 2022	

Barsen Adelbai
Management Analyst III - Medical Records Unit Supervisor

Date	Signature
May 23, 2022	

Marilyn Aflague
Administrative Service Officer, Patients Affairs Business Office

Date	Signature
5/23/2022	

Cydsel Victoria Toledo
Management Analyst IV, Regulatory Compliance/Quality Improvement

Date	Signature
5/25/22	


Debbie Paulino
Administrative Officer



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Date	Signature
06/13/2022	


Leonora Urbano MSN, RN-BC
Nursing Administrator

Date	Signature
5/25/22	

James Cooper-Nurse, PhD
Child Adolescent Services Division Administrator

Date	Signature
6/8/22	

Reina Sanchez, M.A
Clinical Administrator

Date	Signature
5-23-22	

Quenie-Mae T. Fisher
GBHWC Pharmacist

Date	Signature

Carissa Pangelinan
Deputy Director