

Psychiatric Security Review Board Information Sheet

TITLE/SUBJECT: Revocation Protocol

APPLICATION: All PSRB stakeholders, including OSH staff, community providers and attorneys

EFFECTIVE DATE: December 8, 2014

PSRB Policy/Protocol for Revocations

Revocations sometimes are appropriate for PSRB clients on conditional release who no longer can safely be managed in the community. The law in Oregon allows for revocations which will mandate law enforcement to return a client to OSH. Some community providers elect to have a client transported to OSH via secure transport, which is also allowed, if clinically appropriate.

The Board relies on you to inform PSRB staff of critical incidents or a change in mental health status. This is especially true so the Board can ascertain if revocation is appropriate. Revocation basis include new serious law violation(s), absconsion from supervision, continued refusal to ingest prescribed psychotropic medications and mental health deterioration. Board staff completes the affidavit after reviewing the PSRB client file and interviewing the case manager (PSRB designated person). The following paperwork is prepared by staff when a revocation has been ordered:

1. Affidavit in support of Revocation

Summarizes the jurisdiction history, describes bases for revocation.

2. Order of Revocation

This is the Board Order that describes the authority for revoking a person's conditional release and states the basis for the revocation.

Oregon law allows for the Board to revoke a PSRB client and order that person's return to the state hospital. During business hours, PSRB staff initiates and completes the revocation paperwork on your behalf. If public or client safety is not at risk to do so, best practices would be to develop a short-term safety plan (Director's Custody, Respite bed, step-up to a higher level of care) and process the revocation during the next business day so PSRB staff can facilitate the process. You are expected to communicate with OSH about expected transport date and ensure OSH has all necessary information they need to admit the client. OSH Admissions Manager phone number is (503) 947-4247.

After-Hours Revocation Background

If a business hour revocation is not feasible, there is a section of Oregon law that allows community mental health directors, facility directors, peace officers and persons responsible for supervision of a person on conditional release to take that person on conditional release into custody or request that they be taken into custody. ORS 161.336(4)(a) applies to business hours and (4)(b) applies to after-hours revocation. Specifically, the law provides:

ORS 161.336 Conditional release by agency; termination or modification of conditional release; hearing.

(4)(a) If at any time while the person is under the jurisdiction of the board it appears to the board or its chairperson that the person has violated the terms of the conditional release or that the mental health of the individual has changed, the board or its chairperson may order the person returned for evaluation or treatment to a state hospital or, if the person is under 18 years of age, to a secure intensive community inpatient facility. A written order of the board, or its chairperson on behalf of the board, is sufficient warrant for any law enforcement officer to take into custody such person and transport the person accordingly. A sheriff, municipal police officer, constable, parole and probation officer, prison official or other peace officer shall execute the order, and the person shall be returned as soon as practicable to the state hospital or secure intensive community inpatient facility designated in the order.

(4)(b) The community mental health program director, the director of the facility providing treatment to a person on conditional release, any peace officer or any person responsible for the supervision of a person on conditional release may take a person on conditional release into custody or request that the person be taken into custody

if there is reasonable cause to believe the person is a **substantial danger to others because of mental disease or defect and that the person is in need of **immediate** care, custody or treatment. Any person taken into custody pursuant to this subsection shall be transported as soon as practicable to a state hospital or, if the person is under 18 years of age, to a secure intensive community inpatient facility.**

Of course the overall mental health picture and circumstances regarding the person's status should be considered and carefully contemplated prior to initiating the revocation process. **CONSULTATION WITH THE PSRB EXECUTIVE DIRECTOR** is requested before taking such action. Historically, commission of a new person-on-person crime, serious threatening behavior toward others, coupled with a history of violence, significant medication change accompanied by concerning behavior such as increased mental health symptoms or repeated medication refusal or absconding from supervision have all been bases to revoke a client from conditional release.

After-Hours PSRB Revocation Protocol/Safeguards:

1. The responsible party (facility director, program director, person responsible for supervision, peace officer) decides revocation is appropriate.
2. **Call the PSRB Executive Director, Juliet Follansbee, J.D., immediately to consult. Her phone number at any hour: (503) 781-3602. Leave a message if not there.**
3. If Board staff cannot be reached, consider placing a Director's Custody or implement an appropriate safety plan (1:1 staffing, house restriction, etc) and wait until the next business day at which time PSRB staff will complete the revocation process.
4. If the above cannot be achieved, you may initiate revocation.
 - a. Call OSH Comm Center telephone number: (503) 945-2800 and inform them you are initiating a revocation. If you do not communicate ahead of time with the Communication Center at OSH, OSH staff will not provide any information to law enforcement/secure transport personnel and that will further delay the admission and create tension between community providers and OSH staffs.
 - b. Call local law enforcement/secure transport and inform them that you are "placing a Director's Custody" on the client and ordering a revocation in accordance with ORS

161.336(4)(b). Ask them to transport to the local hospital to get medical clearance (or jail).

- c. Get Medical Clearance - Oregon State Hospital is not equipped to treat individuals whose mental status deterioration or rule violation behaviors are related to alcohol or substance use intoxication and/or withdrawal or to an unstable medical condition. As such, please ensure that prior to contacting OSH your client has been medically cleared at the closest medical facility and that communication between the admitting psychiatrist at OSH and the professional providing medical clearance has taken place.
- d. Law enforcement is required by law to transport to OSH without any paperwork or confirmation from the PSRB.
- e. It is possible you will receive pushback from the front line officer so work your way up the chain of command and keep citing the statutory authority. Sometimes, law enforcement will want to confirm with OSH that the revocation is authorized – in which case, ensure you completed step 4a above.

Community Provider Responsibilities Once Revocation Occurs

The case manager is expected to communicate with OSH admissions to ensure that the MAR and any other clinical information is given immediately to OSH so continuity of care can be provided. **Best practices and standard of care recommends that the community prescriber has a doctor to doctor conversation shortly after the patient's arrival. The case manager should communicate with the OSH social worker regarding conditional release planning or any other relevant clinical information that would be helpful to the client's care and treatment while at OSH.** If the client has a medical condition, communication with OSH should be made immediately after the decision to revoke is made to ensure the OSH admitting doctor has all the information necessary to adequately treat the client both **mind and body**. OSH Admissions Manager phone number is (503) 947-4247. **It is the community provider's responsibility to ensure OSH has all information necessary to ensure continuity of care.**

PSRB will also send the provider a letter within several days of the revocation requesting you to provide the Board or SHRP with details about what led to the revocation, opinion about what clinical and treatment goals and whether your agency is willing to consider the client for placement again. For some clients, a relatively fast stabilization can occur and the client can return to the same bed at

the facility at the revocation hearing. Funding to hold the bed up to 30-days can be requested through AMH billing.
