

Department of Behavioral Health  
**TRANSMITTAL LETTER**

<b>SUBJECT</b> Converting Civilly Committed Consumers to Voluntary Status		
<b>POLICY NUMBER</b> DBH Policy 303.3	<b>DATE</b> MAR 23 2014	<b>TL#</b> 247

**Purpose.** To set forth the requirement and process for obtaining approval from the Department of Behavioral Health (DBH) to convert consumers from a civilly committed status to voluntary status.

This revision adopts the policy from the former Department of Mental Health, now merged into the new Department of Behavioral Health, in accordance with the DBH Establishment Act of 2013.

**Applicability.** Applies to all providers, including Saint Elizabeths Hospital, who provide mental health treatment to consumers committed to DBH, or its predecessor agency, as a result of a civil proceeding.

**Policy Clearance.** Reviewed by affected responsible staff and cleared through appropriate Behavioral Health Authority offices.

**Implementation Plans.** Specific staff should be designated to carry out the implementation and training for this policy as needed, and program managers are responsible for following through to ensure compliance.

**Policy Dissemination and Filing Instructions.** Managers/supervisors of DBH must ensure that staff are informed of this policy. Each staff person who maintains policy manuals must promptly file this policy in the DBH Policy and Procedures Manual.

**ACTION**

**REMOVE AND DESTROY**

DMH Policy 303.3

**INSERT**

DBH Policy 303.3

  
\_\_\_\_\_  
Stephen T. Baron  
Director, DBH

GOVERNMENT OF THE DISTRICT OF COLUMBIA  <b>DEPARTMENT OF BEHAVIORAL HEALTH</b>	<b>Policy No.</b> <b>303.3</b>	<b>Date</b> <b>MAR 23 2014</b>	<b>Page 1</b>
	<b>Supersedes</b> DMH Policy 303.3, same title, dated December 24, 2008		
<b>Subject: Converting Civilly Committed Consumers to Voluntary Status</b>			

1. **Purpose.** To set forth the requirement and process for obtaining approval from the Department of Behavioral Health (DBH) to convert consumers from a civilly committed status to voluntary status.

2. **Applicability.** Applies to all providers, including Saint Elizabeths Hospital, who provide mental health treatment to consumers committed to DBH, or its predecessor agency, as a result of a civil proceeding.

3. **Authority.** The Hospitalization of the Mentally Ill Act (the "Ervin Act"), effective September 14, 1965 (79 Stat. 751, Pub. L. 89 – 183 §1) as amended; D.C. Official Code §21 – 501 *et seq.*

4. **Definitions.**

4a. Civilly Committed Consumers – committed consumers are persons who are civilly committed by order of a court pursuant to D.C. Official Code § 21-545 or recommitted pursuant to D.C. Official Code § 21-545.01.

4b. Voluntary Status – For purposes of this policy, a consumer who was under court order to engage in treatment with DBH who has been determined by DBH to not be likely to injure self or others if not committed or detained due to his or her mental illness, and who continues to seek treatment for his or her mental illness in the absence of a court order requiring the treatment or detention.

4c. Risk Assessment – A narrative, written assessment that at the very minimum addresses the following indicators and risk factors, inclusive of the date of initiation of the most recent civil commitment and the date of request for change in status: (1) history of violence or self harm; (2) clinical symptoms that increase the risk of violence or self harm such as delusions, hallucinations, mood instability and thoughts of violence and/or self harm; (3) co-occurring substance abuse; (4) social relationships and the presence or absence of a treatment alliance; (5) situational factors such as habitation, financial and employment status; and (6) access to and/or availability of lethal means of violence and/or self harm.

5. **Conversion to Voluntary Status.**

A consumer civilly committed to DBH under an order of civil commitment by the court may be converted to voluntary status if he/she is no longer considered by DBH to be likely to injure self or others due to a mental illness if not civilly committed for treatment.

6. **Responsibilities and Procedures.**

6a. **Psychiatrist/Qualified Psychologist Responsible for the Consumer** shall perform the following actions in order to convert a consumer to voluntary status:

- (1) Prepare DBH-671, Request for Change to Voluntary Status, and obtain the consumer's signature and date on the form (see Exhibit 1).
- (2) At the time of request for change to voluntary status, complete and submit formal documentation of a risk assessment as described in Section 4c above.
- (3) Send all documents to the Director, DBH Forensic Services Division, located at the Behavioral Health Authority (BHA), who will provide them to the DBH Chief Clinical Officer (CCO) or designee for decision on approval or disapproval to release the consumer from commitment and convert to voluntary status.
- (4) Upon receipt of the decision, inform the consumer as soon as possible of whether the request for change of status to voluntary was approved or disapproved. If it was disapproved, explain to the consumer the reasons provided by the CCO for the disapproval.

6b. **DBH Forensic Services Division at the BHA shall:**

- (1) Receive the DBH-671 along with the risk assessment from the provider; attach a copy of all the consumer's ninety (90) day periodic psychiatric examinations completed according to DBH Policy 303.1, Periodic Psychiatric Examinations, dating back to the most recent court order of commitment.
- (2) Promptly provide the CCO or designee all documents described in 6b(1) above for his/her decision.
- (3) Send a copy of the DBH-671 after it has been signed by the CCO to the:
  - Office of Attorney General, Mental Health Section,
  - Saint Elizabeths Hospital Registrar, and
  - Core services agency responsible for the consumer.
- (4) Maintain file copies of the completed DBH-671s and all other supporting documents; and an accurate, current database of all civilly committed consumers converted to voluntary status.
- (5) Provide a monthly report to Saint Elizabeths Hospital, to core services agencies, and to the Office of Attorney General, Mental Health Section of the consumers who have been converted from civilly committed to voluntary status.

6c. **DBH Chief Clinical Officer or Designee shall:**

- (1) Review all documents submitted through the DBH Forensic Services Division to the CCO by the psychiatrist/qualified psychologist responsible for the consumer.
- (2) Indicate approval or disapproval on DBH-671 within seven (7) business days of receipt of the DBH-671. If the request to convert to voluntary status is disapproved, provide the reason(s) for the decision.
- (3) Provide the signed DBH-671 (along with reasons for disapproval, if applicable) to the DBH Forensic Services Division. If the request to convert to voluntary status is

approved, the date of approval will be the effective date for the conversion from civilly committed to voluntary status.

**6d. Office of the Attorney General shall:**

Upon receipt of an approved DBH-671 from the DBH Forensic Services Division, submit a copy of the form to the DC Superior Court and to the consumer's counsel.

**7. Related References.**

DBH Policy 303.1, Periodic Psychiatric Examinations

**Approved By:**

**Stephen T. Baron  
Director, DBH**

  
\_\_\_\_\_  
(Signature) 4-23-14  
(Date)

**REQUEST FOR CHANGE TO VOLUNTARY STATUS** DBH Policy 303.3  
Exhibit 1-6a(1)

CONSUMER'S NAME

ECURA NUMBER

TO: DIRECTOR  
DEPARTMENT OF BEHAVIORAL HEALTH  
64 NEW YORK AVENUE, N.E.  
WASHINGTON, D.C. 20002

I request that my legal status be changed to that of a voluntary consumer.

The rights of a voluntary consumer have been explained to me by the psychiatrist/qualified psychologist responsible for my care. I understand what my rights would be as a voluntary consumer.

CONSUMER'S SIGNATURE

DATE

In my clinical opinion, the consumer is no longer likely to injure himself/herself or others due to a mental illness if the legal status is changed to that of a voluntary consumer.

PSYCHIATRIST/QUALIFIED PSYCHOLOGIST  
RESPONSIBLE FOR CONSUMER

PROGRAM

DATE

Signature: \_\_\_\_\_

I APPROVE

I DISAPPROVE

the change of the above-named consumer's legal status to that of a voluntary consumer.

Signature: \_\_\_\_\_

DBH Chief Clinical Officer/Designee

DATE

If Disapproved, Reasons for  
Disapproval: \_\_\_\_\_  
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**DBH ROUTING INSTRUCTIONS: COPY TO: 1) THE CLINICAL RECORD; 2) REGISTRAR at SEH;  
3) OFFICE OF ATTORNEY GENERAL, MENTAL HEALTH SECTION**