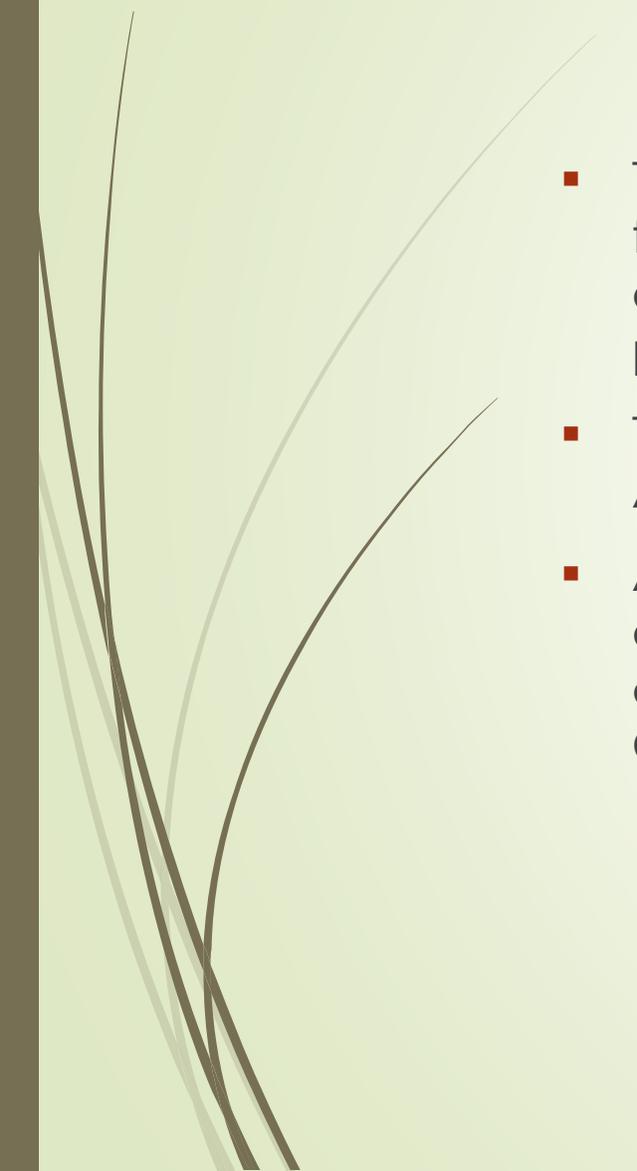




Intensive Behavior Center Emergency Admission and Non- Emergency Commitment



Intensive Behavior Center (IBC)

- The IBC is a state-operated 12-bed short-term stabilization facility for individuals with a developmental disability who are in need of intensive treatment because of continuous or repeated behaviors that pose an imminent risk of serious harm to self or others.
 - There are two ways that IBC admission can be pursued, Emergency Admission or Non-Emergency Commitment.
 - Alternatively, a Community Treatment Plan (CTP) is a less restrictive option and if felt to be appropriate, may be pursued through the court. CTPs are an alternative to both the Emergency Admission and Non-Emergency Commitment processes.
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Emergency Admission



Emergency Admission – Starting the Process

- ▶ Emergency admission to the Intensive Behavior Center (IBC) can only be done by a Developmental Disabilities Professional (DD Pro) who is certified by DPHHS.
- ▶ To initiate emergency admission, information must be submitted to the DD Pro by the person's treatment team or other party believing that emergency admission is necessary. The required information to be submitted is outlined on the Emergency Admission checklist which is available on the DDP website.
- ▶ The DD Pro reviews this information and determines whether the person meets the criteria for Emergency Admission and submits this determination to the County Attorney in a report.

Emergency Admission Criteria

- ▶ The following three conditions must be met for emergency admission to be considered:
 - The person being referred must be at least 18 years of age and have documentation of a developmental disability as defined by 53-20-102 (9) (a-e). MCA
 - (9) "Developmental disability" means a disability that:
 - (a) is attributable to intellectual disability, cerebral palsy, epilepsy, autism, or any other neurologically disabling condition closely related to intellectual disability;
 - (b) requires treatment similar to that required by intellectually disabled individuals;
 - (c) originated before the individual attained age 18;
 - (d) has continued or can be expected to continue indefinitely; and
 - (e) results in the person having a substantial disability.
 - An emergency placement must be to protect the person/and or others from death or serious bodily injury. Please note that "serious bodily injury" is defined as creating a substantial risk of death or causing/expected to cause serious permanent disfigurement, protracted loss or impairment of function. 45-2-101 66 (a) (i-iii) MCA
 - (66) (a) "Serious bodily injury" means bodily injury that:
 - (i) creates a substantial risk of death;
 - (ii) causes serious permanent disfigurement or protracted loss or impairment of the function or process of a bodily member or organ; or
 - (iii) at the time of injury, can reasonably be expected to result in serious permanent disfigurement or protracted loss or impairment of the function or process of a bodily member or organ.
 - IBC has confirmed in writing that it can meet the person's needs and has a bed available. 53-20-129 3 (a) MCA
 - (3) (a) An emergency admission to a residential facility may not proceed unless the residential facility has confirmed in writing that admission of the person will not cause the census at the facility to exceed its licensed capacity and that the facility can accommodate the emergency needs of the person.



Emergency Admission – After DD Pro Authorization

- ▶ **If emergency admission is authorized by the DD Pro, arrangements between the sending team/referring party and IBC must be made prior to admission.**
- A county attorney must file the petition for emergency admission by 5 pm of the next judicial day following emergency admission.
- If the petition for emergency admission is not filed on the next judicial day, the sending team/referring party and IBC are responsible for arranging the person's return to the community.
- An emergency admission to IBC may not continue longer than 30 days after placement unless a petition for re-commitment has been filed.



Non-Emergency Commitment

Non-Emergency Commitment

- ▶ Any person who believes an individual who *is seriously developmentally disabled* is in need of non-emergency commitment to IBC may request the county attorney file a petition with the district court.
- Seriously developmentally disabled means a person who has a developmental disability, is impaired in cognitive functioning, and cannot be safely and effectively habilitated through voluntary use of community-based services because of behaviors that pose an imminent risk of serious harm to self or others. A person must meet all these criteria to be considered for non-emergency commitment.
- ▶ The petition includes demographic information, a description of what outcome the person is seeking (non-emergency commitment to IBC), and a statement regarding the rights of the person and guardian.
- ▶ The county attorney submits a copy of the petition to the court who then orders referral to the Residential Facility Screening Team.



Role of the Residential Facility Screening Team (RFST)

- ▶ When the district court receives a petition for non-emergency commitment to IBC, the court refers the matter to the RFST for screening to determine whether criteria has been met for this type of commitment.
- ▶ The court may not order a non-emergency commitment of a person to IBC unless the RFST determines it is appropriate and that the person is seriously developmentally disabled.
- ▶ If the court and the RFST agree the person is seriously developmentally disabled and in need of non-emergency commitment to IBC, the court orders the person committed to IBC for stabilization and treatment, but only if IBC has confirmed there is a bed available.
- ▶ If either the court or the RFST do not agree that either the person is seriously developmentally disabled or in need of emergency or non-emergency commitment to IBC, the petition will be dismissed.



Community Treatment Plan

- The non-emergency community treatment plan (CTP) process is the same as non-emergency commitment. All CTPs require the additional steps:
 - The TCM should provide a proposed CTP that meets the following requirements:
 1. adequately assures the behaviors of the person are managed to provide for the safety of the community and the person;
 2. effectively provides for the person's habilitation;
 3. is fully funded, and
 4. provides for the delivery of the necessary services from committed, qualified providers;
- An emergency CTP is valid for up to 30 days;
 - A petition for an emergency CTP may be filed by the county attorney and must include a written report of a case manager.
- A non-emergency CTP is valid for up to 1 year.
- The TCM may request an extension for an already existing CTP

MCA Code

- ▶ Emergency Admission And Commitment MCA 53-20-129
https://leg.mt.gov/bills/mca/title_0530/chapter_0200/part_0010/section_0290/0530-0200-00100290.html
- ▶ Petition For (Non-Emergency) Involuntary Treatment MCA 53-20-121
https://leg.mt.gov/bills/mca/title_0530/chapter_0200/part_0010/section_0210/0530-0200-0010-0210.html
- ▶ Community Treatment Plan -- Elements – Placement MCA 53-20-110
https://leg.mt.gov/bills/mca/title_0530/chapter_0200/part_0010/section_0100/0530-0200-0010-0100.html
- ▶ Definitions : Developmental Disability MCA 53-20-102 (9) (a-e)
https://leg.mt.gov/bills/mca/title_0530/chapter_0200/part_0010/section_0020/0530-0200-0010-0020.html



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