



MEMORANDUM

Date: February 22, 2024

To: District, Municipal, and Tribal Courts, County Attorneys, Attorney General's Office

From: Medicaid and Health Services Executive Director and State Medicaid Director, Mike Randol, and Healthcare Facilities Division Chief Administrative Officer, Jennifer Savage

On behalf of the Department of Public Health and Human Services (Department or DPHHS), we are providing this correspondence as a notice to our partners in the courts, County Attorneys' Offices, the Attorney General's Office and other stakeholders that the Montana State Hospital (MSH) located in Warm Springs has reached its legally authorized capacity.

It is anticipated that this will be a temporary situation, as the number of patients being served at MSH changes daily, depending upon patient admissions and discharges that may occur at any given time in accordance with the Department's obligations to and the best interests of patients and the requirements of Federal and state law.

While the Department works to regain sufficient bed space to accommodate all emergency and court-ordered admissions to the MSH, we request that all contemplated detention, commitment, and transport of a mentally ill patient to the hospital be accomplished in accordance with the provisions of Mont. Code Ann., Title 53, Chapter 21 and A.R.M. 37.66.203. As reflected therein, the key obligations of the parties involved in the detention, commitment, and transport of a patient is, first, to verify that there is, in fact, bed space available at MSH, and second, that appropriate medical clearance has been provided by MSH prior to any transport. We also ask that all parties work to establish more robust communication with MSH admissions staff as early as possible in the detention or commitment process using the contact information that is provided below.

We recognize that not all counties have the clinical and psychiatric infrastructure required to handle acute and/or repeat incidents of mental health crisis which are best resolved through emergency detention and civil commitment. We also recognize that this is of

particular and critical concern in the more rural counties of the state where the only true option is to seek placement of those mentally ill individuals who require commitment at MSH.

In order to provide the best care for patients that are being admitted from the community, Montana Administrative Rule 37.66.203 requires that all necessary documentation be provided to MSH prior to a patient being transported to the facility. Provision of this documentation to MSH is critical to our ability to give medical clearance to admit patients.

It is essential that professional persons working with County Attorneys and courts speak with the admissions team prior to any detention or commitment proceeding is initiated so Department staff may review those records necessary to evaluate the immediate treatment needs of a potential admission. As professional persons, County Attorneys, and other stakeholders communicate with MSH in anticipation of an emergency or other civil mental health commitment to MSH, please be prepared to provide the following:

1. Medical Documentation – This includes all relevant medical documentation to treat any medical conditions the patient may have, and to ensure that the patient is medically cleared by the sending hospital/facility. This may require a doctor-to-doctor consultation. A nurse-to-nurse report is required on all admissions. It is important that the hospital is aware of any medical conditions occurring with the patient to determine if these issues can be treated at MSH. Our medical capabilities are limited and can be equated with a family practice office. Our pharmacy is designed to serve patients with psychiatric illness, and we do not have all medications on hand that may be needed to treat certain medical conditions.
 - a. History and Physical
 - b. Current Medication List
 - c. Most Recent Psychiatric Evaluation
 - d. Behavioral Notes
 - e. Discharge Summary
 - f. Detention Center Medical Record
2. Current Lab Work – Lab work needs to be completed within 24 hours of the patient's arrival. This needs to include a CBC (Complete Blood Count), CMP (Comprehensive Metabolic Panel), TSH (Thyroid-Stimulating Hormone), UDS (Urinary Drug Screen), UA (Urinalysis), and Pregnancy Test. This helps the medical department to make determinations on whether we can manage certain illnesses and prescribe certain medications. It also, provides information regarding any underlying causes that could be a factor in a patient's declining mental health.

3. COVID Test – A lab resulted (not rapid) COVID test must be completed within 24 hours of the patient's arrival. If the test expires prior to the arrival of a patient, a new test will be required.
4. Legal Authority – Documentation of legal authority must be received to accept the patient for admission. Acceptable documentation depends on the type of admission and must comply with A.R.M. 37.66.207. Documentation sent via fax may be sent to 406-693-7267. Documentation may be sent via email in place of the mailing requirement under A.R.M. 37.66.207(3)(c). Documentation sent via email may be contemporaneously sent to GWatkins@mt.gov and MSHlegal@mt.gov. General communications may be accomplished by contacting admissions staff at (406) 693-7000.

Please also note that MSH is a psychiatric facility that does not have the capability to treat certain medical conditions. It is important for our medical team to have ample opportunity to review documentation to ensure that the patient can be treated at our facility for their medical needs prior to the patient being transported.