

# APPLICATION FOR INVOLUNTARY ADMISSION ON MEDICAL CERTIFICATION

Sections 9.27 Mental Hygiene Law

*Note: The Examining Physician must consider alternative forms of care and treatment that might be adequate to provide for the person's needs without requiring involuntary hospitalization.*

## I. GENERAL PROVISIONS FOR INVOLUNTARY ADMISSION ON MEDICAL CERTIFICATION

### A. Standard for Admission

A person alleged to be mentally ill and in need of involuntary care and treatment may be admitted to a hospital providing inpatient services for the mentally ill, upon the certificates of two examining physicians accompanied by an application for admission for such a person.

- "In need of involuntary care and treatment" means that the person has a mental illness for which care and treatment as a patient in a hospital is essential to such person's welfare and whose judgment is so impaired that he or she is unable to understand the need for such care and treatment.
- The person in need of involuntary care and treatment must, as a result of his or her mental illness, pose a "substantial threat of harm to self or others" (see definition in Part B on page 2 of this form).

### B. Application

The application must be made within 10 days prior to admission by:

- any person with whom the person alleged to be mentally ill resides;
- the father or mother, spouse, brother or sister, or the child of any such person or the nearest available relative;
- the committee of such person;
- an officer of any public or well recognized charitable institution or agency or home, including but not limited to the superintendent of a correctional facility, as such term is defined in section 2(4)(a) of the Correction Law, in whose institution the person alleged to be mentally ill resides;
- the director of community services or social services official, as defined in the Social Services Law, of the city or county in which any such person may be;
- the director of the hospital or of a general hospital, as defined in article twenty-eight of the Public Health Law, in which the patient is hospitalized;
- the director or person in charge of a facility providing care to alcoholics or substance abusers or substance dependent persons;
- the director of the division for youth (now the Office of Children and Family Services), acting in accordance with the provisions of section five hundred nine of the Executive Law;
- subject to the terms of any court order or any instrument executed pursuant to section 384-a of the Social Services Law, a social services official or authorized agency which has, pursuant to the Social Services Law, care and custody or guardianship and custody of a child over the age of sixteen;
- subject to the terms of any court order, a person or entity having custody of a child pursuant to an order issued pursuant to section seven hundred fifty-six or one thousand fifty-five of the Family Court Act; or
- a qualified psychiatrist\* who is either supervising the treatment of or treating such person for a mental illness in a facility licensed or operated by the Office of Mental Health (\*means a physician licensed to practice medicine in NY State, who is a diplomate of the American Board of Psychiatry and Neurology or is eligible to be certified by that Board, or who is certified by the American Osteopathic Board of Neurology and Psychiatry or is eligible to be certified by that Board).

### C. Certification by Two Examining Physicians

The application must be supported and accompanied by two Certificates of Examining Physician (Form 471A). The examinations may be conducted jointly, but each examining physician must execute a separate certificate. If the examining physician knows that the person under examination has received prior treatment, s/he must, if possible, consult with the physician or clinician furnishing such prior treatment.

The required examinations must be made within 10 days prior to the date of the patient's admission to the hospital.

A person is disqualified from acting as an examining physician if:

- he or she is not licensed to practice medicine in New York State;
- he or she is a relative of the person applying for admission, or of the person alleged to be in need of hospitalization;
- he or she is a manager, trustee, visitor, proprietor, officer, director, or stockholder of the hospital in which the patient is hospitalized or to which it is proposed to admit such person, or has any financial interest in such hospital other than receipt of fees, privileges or compensation for treating or examining patients in such hospital; or
- he or she is on the staff of a proprietary hospital to which it is proposed to admit such a person.

### D. Hospital Evaluation, Admission and Retention

A physician on the psychiatric staff of the hospital, other than the original examining physicians, must examine the person alleged to be mentally ill forthwith and confirm the need for involuntary care and treatment prior to admission. Subsequent to admission, if no request for a court hearing is made, the director may retain the patient for up to 60 days without taking other action.

If the hospital director determines that the condition of the patient requires hospitalization beyond 60 days:

- The patient may remain as a voluntary or informal patient if willing and suitable for such status.
- If the patient is unwilling or not suitable to remain as a voluntary or informal patient, the director must apply, before the end of the 60 day period, for a court order authorizing continued retention of the patient. The director must also inform the patient, the Mental Hygiene Legal Service, and others who received the original notice of the patient's commitment, that said director is applying for a court order, to give them the opportunity to request a hearing before the court, if they so desire.

State of New York  
OFFICE OF MENTAL HEALTH

**APPLICATION FOR INVOLUNTARY  
ADMISSION ON MEDICAL CERTIFICATION**

Sections 9.27 Mental Hygiene Law

**II. GENERAL INFORMATION**

**A. Mental Hygiene Legal Service**

The Mental Hygiene Legal Service is an agency of the New York State Supreme Court which provides protective legal services, advice and assistance, including representation, to all patients admitted to psychiatric facilities. Patients are entitled to be informed of their rights regarding hospitalization and treatment, and have a right to a court hearing, to be represented by a lawyer, and to seek independent medical opinion.

There is a Mental Hygiene Legal Service office in many psychiatric hospitals. Where there is no office at the hospital, a representative of the Service visits periodically and frequently. Any patient or anyone on his or her behalf may see or communicate with a representative of the Service by telephoning or writing directly to the office of the Service or by requesting someone on the staff of the patient's ward to make such arrangements for him or her. The Mental Hygiene Legal Service for the hospital may be reached at: \_\_\_\_\_.

**B. Reimbursement**

The patient is legally responsible for the cost of care. Additionally responsible are the patient's spouse and in some cases the parents of a patient under the age of 21. Also legally responsible are the committee, guardian, or trustee of a trust fund established for support of the patient, or any fiduciary or payee of funds for the patient.

Charges may be waived or reduced when there is inability to pay. Any person who applies for a waiver or reduction of charges must cooperate in a financial investigation to determine ability to pay.

**PART A**

**Application for Admission**

I hereby apply for the admission of \_\_\_\_\_  
(Name of person)

to \_\_\_\_\_, a hospital providing services for persons with mental illness.  
(Name of Hospital)

My reasons for applying for admission of this person are as follows:

---

---

---

---

---

---

---

---

---

---

Under penalty of perjury, I attest that the information supplied on this application is true to the best of my knowledge and belief.

Signature of Applicant

Relationship/Title

Address

Date

MO.

DAY

YEAR

**PART B**

**Psychiatrist's Confirmation of Need for Involuntary Care and Treatment in a Hospital**

I HAVE EXAMINED THE ABOVE-NAMED PERSON PRIOR TO ADMISSION\* AND CONFIRM:

- that the person is in need of involuntary care and treatment in a hospital providing inpatient services for the mentally ill; and
- that as a result of his or her mental illness, the person poses a substantial threat of harm to self or others ("*substantial threat of harm*" may encompass (i) the person's refusal or inability to meet his or her essential need for food, shelter, clothing, or health care, or (ii) the person's history of dangerous conduct associated with noncompliance with mental health treatment programs).

Signature of Examining Staff Psychiatrist

Date

Time

MO.

DAY

YEAR

A.M.

P.M.

\*NOTE: Part B must be completed for new admissions and for conversions of already-admitted patients to §9.27 Involuntary Status.