

**VOLUNTARY REQUEST FOR COMPREHENSIVE PSYCHIATRIC
EMERGENCY PROGRAM (CPEP) ADMISSION**

(Section 9.40 Mental Hygiene Law)

I. REQUIREMENTS FOR VOLUNTARY ADMISSION

A. APPLICATION

To be admitted to a CPEP on a voluntary basis, a person over 18 years of age or who is under 18 years of age and not considered a minor pursuant to Mental Hygiene Law section 33.21, must voluntarily make written application for admission. If the person is under 18 years of age, a written application for admission must be made by one of the following:

- parent, legal guardian, or next of kin;
- a Social Services official or authorized agency with care and custody of the person pursuant to the Social Services Law, subject to the terms of any court order or any instrument executed pursuant to Section 384-a of the Social Services Law;
- the director for the New York State Office of Children and Family Services (OCFS), acting in accordance with Section 509 of the Executive Law;
- a person or an authorized representative of an entity having custody of the person pursuant to Section 756 or Section 1055 of the Family Court Act.

If the person is considered a minor pursuant to MHL 33.21, the CPEP director may in their discretion admit the person either as a voluntary patient on their own application or on application of any of the individuals authorized to make application for admission. The criteria for minors presenting for care to CPEP without guardian consent are described below in B. The criteria for minors presenting for care in an EOB are described below in Part C.

This form may be completed and signed electronically, pursuant to the Electronic Signatures and Records Act, including via a provider's electronic health record. Providers must ensure the forms can be printed and/or delivered in the approved format to the patient, patient's legal guardian, and/or Mental Hygiene Legal Services, and other intended recipients.

B. CRITERIA FOR MINORS PRESENTING FOR OUTPATIENT CARE WITHOUT GUARDIAN CONSENT

FORM OMH 476A PART A: A minor can receive outpatient mental health services, including an evaluation at a CPEP, without parental consent at an outpatient program that is licensed or operated pursuant to the regulations of the commissioner of mental health and MHL 33.21.

A mental health practitioner practicing in a program that is licensed or operated by OMH may provide outpatient mental health services to a minor without parental consent if:

- the minor knowingly and voluntarily seeks such services, AND
- the services are clinically indicated and necessary to the minor's well-being, AND
 - a parent or guardian is not reasonably available. A parent or guardian is considered reasonably available if they can be contacted with diligent efforts. OR
 - requiring parental or guardian consent or involvement would have a detrimental effect on the course of outpatient treatment, OR
 - a parent or guardian has refused to give such consent, and a physician determines that treatment is necessary and in the best interests of the minor (In cases where consent is refused, a physician must make the determination).

CRITERIA FOR MINORS 16 YEARS OF AGE OR OVER SEEKING ADMISSION WITHOUT GUARDIAN CONSENT\FORM OMH

476A PART C: A minor 16 or over can seek admission to inpatient psychiatric care, including CPEP Extended Observation Beds, without parental consent if the minor is voluntarily seeking treatment and the director of the facility is in agreement.

Under MHL 33.21(e), a minor 16 or over who is admitted to a hospital under minor voluntary status, can consent to psychotropic medication without the consent of a parent or guardian or a court order if the following are met:

- A parent or guardian is not reasonably available (a parent or guardian is considered reasonably available if they can be contacted with diligent efforts), provided the treating physician determines that the minor had capacity **and** the medications are in the minor's best interest, OR
- Requiring consent of a parent or guardian would have a detrimental effect on the minor, provided that the treating physician and a second physician who specializes in psychiatry, and is not an employee of the hospital, determine that (A) Such detrimental effect would occur; and (B) the minor has capacity to consent; and (C) such medications are in the minor's best interest. OR
- The parent or guardian has refused to give such consent, provided the treating physician and a second physician who specializes in psychiatry and is not an employee of the hospital determine that (A) the minor has capacity to consent; and (B) such medications are in the minor's best interests. Notice of the decision to administer psychotropic medication pursuant to this subparagraph shall be provided to the parent or guardian.

The reasons for an exception shall be fully documented in the minor's clinical chart.

C. APPROPRIATENESS OF ADMISSION

The CPEP director must find that the person has a mental illness for which care and treatment in a mental hospital is appropriate and that such person is suitable for voluntary admission, as described below in D, in order to admit such person on a voluntary basis.

D. SUITABILITY FOR ADMISSION

In order for a person to be suitable for voluntary admission to a CPEP, they must be notified of and have the ability to understand the following:

- that they are making an application for admission to a CPEP.
- the nature of voluntary status and the provisions governing release or transfer to another program on a voluntary or involuntary basis.

II. GENERAL PROVISIONS OF VOLUNTARY STATUS

Patients on voluntary status must be given written notice of their status and rights on admission. At the time of such notification, the written consent of the patient to their continued stay as a voluntary patient shall be obtained and a copy of such consent retained.

III. NOTIFICATION TO MENTAL HYGIENE LEGAL SERVICES CONCERNING ADMISSION, CONVERSION FROM ONE LEGAL STATUS TO ANOTHER, AND TRANSFER OR RELEASE OF PATIENTS UNDER 18 YEARS OF AGE.

When a person under the age of 18 years is admitted to any hospital or is converted from one admission status to another, the Mental Hygiene Legal Service will be notified of the admission or conversion within three days. The notice will specify the person's age and admission status.

No voluntary patient under 18 years of age admitted on their own application shall be transferred without their prior consent, unless three days prior written notice of the proposed transfer is given to the Mental Hygiene Legal Service and the Service has the opportunity to see the patient and review the proposed transfer.

No voluntary patient under 18 years of age admitted on the application of another person shall be transferred without the prior consent of the patient and their parent or legal guardian, unless three days prior written notice of the proposed transfer is given to the Mental Hygiene Legal Service and the Service has the opportunity to see the patient and review the proposed transfer.

The Mental Hygiene Legal Service will be given immediate written notice concerning the release or transfer of any patient under 18 years of age.

IV. GENERAL INFORMATION**A. MENTAL HYGIENE LEGAL SERVICE**

The Mental Hygiene Legal Service is an agency of the New York State Office of Court Administration 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 acting on their 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 them. The Mental Hygiene Legal Service representative for this hospital may be reached at

B. REIMBURSEMENT

The patient is legally responsible for payment 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 the 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.

<p>VOLUNTARY REQUEST FOR COMPREHENSIVE PSYCHIATRIC EMERGENCY PROGRAM (CPEP) ADMISSION</p> <p>OMH Form 476A</p>	<p>Name (Last, First, M.I.) _____</p> <hr/> <p>Gender _____ Date of Birth _____</p> <p>MRN _____</p> <p>Location/Facility _____</p>
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PART A – APPLICATION FOR VOLUNTARY CPEP ADMISSION

Part A must be signed by the person aged 18 or over who is applying for voluntary CPEP status, by the legal guardian of the person under 18, by the court-appointed guardian of a person over 18, or by a minor who meets criteria for care without guardian consent.

ADMISSION

I Have Been Notified of and Understand the Nature of Voluntary CPEP Status

I, _____, hereby apply for admission OR
(Name)

I, _____, hereby apply for admission for the person in my care, _____
(Guardian Name) (Name)

to _____, a CPEP.
(CPEP Name)

My reasons for applying for admission for myself or the person in my care:

Signature of Person OR their Legal Guardian	Date	Time (AM/PM)
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PART B – PHYSICIAN CONFIRMATION

I have examined the above-named patient prior to admission and confirm:

- That the patient has a mental illness for which care and treatment in a CPEP is appropriate;
- That the patient is suitable for Voluntary CPEP Status; and
- That CPEP care and treatment can reasonably be expected to improve the patient's condition or at least prevent the patient's deterioration.
- In the case of a minor seeking treatment independent of their parent or guardian and the parent or guardian has refused to give such consent: that treatment is necessary and in the best interests of the minor.

Physician Signature	Date	Time (AM/PM)
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PART C – EXAMINATION TO CONFIRM NEED FOR VOLUNTARY ADMISSION BEYOND 24 HOURS IN AN EXTENDED OBSERVATION BED (EOB)

Instructions: To be completed by a physician, other than the admitting physician, who is a member of the psychiatric staff within 24 hours after the patient is received in the CPEP emergency room. If the person applying for admission to the CPEP EOB on Voluntary Status is 16 or 17 years of age and presenting for care without guardian consent, ensure criteria outlined in above Section I.B are met.

Please Note: No patient may be retained in the CPEP for more than 24 hours without being moved to an extended observation bed.

Signature of Person or their Legal Guardian	Date	Time (AM/PM)
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I have personally observed and examined _____
(Name)

Based on such examination and the case history, I hereby confirm that the patient may have a mental illness for which immediate care and treatment in a CPEP extended observation bed is appropriate, the facts state and information contained herein are true to the best of my knowledge and belief.

I am on the psychiatric staff of _____
(Name of CPEP)

Psychiatrist's Signature	Date	Time (AM/PM)
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