NEW YORK STATE | Office of Mental Health

CUSTODY/TRANSPORT TO §9.39 EMERGENCY DEPARTMENT or CPEP ON REQUEST BY AN EMERGENCY DEPARTMENT PHYSICIAN **(Mental Hygiene Law §9.57)**	**Name (Last, First, M.I.)** **Gender** _____ **Date of Birth** _____ **Location** _____

A physician who has examined a person in an emergency room or provided emergency medical services at a general hospital, as defined in article twenty-eight of the public health law, which does not have an inpatient psychiatric service, or a physician who has examined a person in a comprehensive psychiatric emergency program shall be authorized to request that the director of the program or hospital, or the director's designee, direct the removal of such person to a hospital approved by the commissioner of mental health pursuant to subdivision (a) of section 9.39 of this article or to a comprehensive psychiatric emergency program, if the physician determines upon examination of such person that such person appears to have a mental illness for which immediate care and treatment in a hospital is appropriate and which is likely to result in serious harm to themselves or others. Upon the request of the physician, the director of the program or hospital or the director's designee, is authorized to direct peace officers, when acting pursuant to their special duties, or police officers, who are members of an authorized police department or force or of a sheriff's department to take into custody and transport any such person. Upon the request of an emergency room physician or the director of the program or hospital, or the director's designee, an ambulance service, as defined by subdivision two of section three thousand one of the public health law, is authorized to take into custody and transport any such person. Such person may then be admitted to a hospital in accordance with the provisions of section 9.39 of this article or to a comprehensive psychiatric emergency program in accordance with the provisions of section 9.40 of this article.

☐ I, _____, M.D., am an emergency room physician or provide emergency medical services at

_____, a general hospital that does not have an inpatient psychiatric service. OR
(Name of Hospital)

☐ I, _____, M.D., am a physician at _____, a CPEP.
(Name of CPEP)

It is my opinion, based on examination of _____, that they appear to have a mental illness for which
(Name of Person)
immediate care and treatment in a hospital is appropriate and which is likely to result in serious harm (choose one or more):

☐ Threats of or attempts at suicide or serious bodily harm or other conduct demonstrating danger to themselves

☐ Homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm

☐ Inability or refusal, due to mental illness, to provide for their own essential needs such as food, clothing, necessary medical care, personal safety, or shelter

Describe:

I hereby request that the hospital program director, or the director's designee, direct the removal of such person to a hospital approved by the Commissioner of OMH under MHL Section 9.39 or to a comprehensive psychiatric emergency program.

Signature of Physician	Date	Time (AM/PM)

☐ Based on the above request, I hereby direct under section 9.57 of the Mental Hygiene Law that peace/police officers of

_____ take into custody and transport this person to _____. OR
(Department/Location) (Name of §9.39 ED/ CPEP)

☐ Based on the above request, I hereby request under section 9.57 of the Mental Hygiene Law that _____
(Name of Ambulance Service)

transport this person to _____.
(Name of §9.39 ED OR CPEP)

Signature of Hospital Director/Designee	Date	Time (AM/PM)

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 receiving hospital and other intended recipients