



STATE OF CONNECTICUT
Department of Mental Health & Addiction Services



Commissioner's Policy Statement and Implementing Procedures

SUBJECT:	Voluntary Status
P & P NUMBER:	Chapter 6.22
APPROVED:	Miriam Delphin-Rittmon, Commissioner Date: 10/15/2015
EFFECTIVE DATE:	October 15, 2015 <i>Miriam Delphin-Rittmon</i>
REVISED:	10/20/2011, Replaced White Book Policy No. 77, Effective Date August 1, 1995
REFERENCES:	CGS Sections 17a-498, 17a-502, 17a-506, 17a-510
FORMS AND ATTACHMENTS:	None

STATEMENT OF PURPOSE: The DMHAS encourages the use of voluntary status for eligible individuals admitted to hospitals for psychiatric disabilities who are competent to give informed consent to such status. Voluntary status promotes the seeking of mutual goals between healthcare treaters and persons in recovery and is desirable and encouraged.

POLICY: Individuals who are admitted to DMHAS facilities under an involuntary civil status will be informed about and offered the opportunity to elect voluntary status as outlined below.

- A. Upon admission to any DMHAS facility under CGS 17a-502 (“Physician’s Emergency Certificate”), individuals shall be informed of their right to request voluntary status under CGS 17a-506 at any time. If any such individual requests voluntary status, he or she will be admitted under a voluntary status as long as he or she is able to give informed consent to voluntary admission.
- B. Persons admitted to any DMHAS facility under CGS 17a-498 (civil commitment) shall be assessed regularly for appropriateness of voluntary status, including the individual’s desire to be admitted under voluntary status and ability to give informed consent to such status. Such an individual will be converted to voluntary status under CGS 17a-510 if he or she requests voluntary status and is able to give informed consent to voluntary admission.

- C. In accordance with CGS 17a-498(e), when any DMHAS facility files an application for civil commitment under CGS 17a-498, a member of the hospital staff will notify the individual within the 24 hour period prior to the time that the application is filed with the probate court of the individual's right to seek voluntary status under 17a-506.
- D. Individuals for whom a conservator of person has been appointed in accordance with CGS 45a-644 to 45a-662, inclusive, may request voluntary status and may be admitted under voluntary status to a DMHAS facility. Under these circumstances, hospital staff members will follow additional procedures as outlined below (II.C). Conservators do not have authority to admit a conserved person to an inpatient psychiatric facility.

PROCEDURES:

- A. If an individual admitted under CGS 17a-502 or CGS 17a-498 requests voluntary status, the attending psychiatrist shall evaluate the individual to determine his/her ability to give informed consent. Such ability will include:
- the individual's knowledge that he/she is requesting voluntary admission to a hospital for psychiatric disabilities
 - the individual's knowledge of the benefits and risks of voluntary status, particularly that the person may be able to leave the hospital after three (3) business days of giving written notice of desire to leave under CGS 17a-506(a), unless an application for civil commitment is filed under CGS 17a-506(e) [The individual's knowledge of statutory constructs is not necessary; only the basics of his/her right to request discharge in writing, and the hospital's ability to keep the person for three (3) further business days while deciding whether to seek civil commitment.]
 - the individual's decision to seek voluntary status is the individual's own decision
 - the individual is competent to make this decision i.e., the individual is able to understand the necessary information and use it in reaching his/her decision about requesting voluntary status

If the attending psychiatrist is of the opinion that the individual is not able to give informed consent to voluntary status, the psychiatrist will notify the facility medical director. The medical director will seek a second opinion from another psychiatrist, and will resolve any difference of opinion between the two psychiatrists about the individual's ability to give informed consent. If the determination is that the individual is not able to give informed consent to voluntary status, then the individual's status will not be changed.

- B. If an individual committed under CGS 17a-498 or CGS 17a-502 is converted to voluntary status, the hospital shall give notice to the individual's next of kin, if the individual consents to such notice in writing.
- C. When an individual for whom a conservator of person has been appointed in accordance with CGS 45a-644 to 45a-662, inclusive, has been admitted under voluntary status to a DMHAS facility, the hospital shall notify the conservator and the probate court which appointed the conservator of the admission within five business days of the admission. It then becomes the responsibility of the probate court to direct further proceedings.