



County of Onondaga
Department of Children & Family Services

Child Welfare • Mental Health Services • Juvenile Justice • Youth Bureau • School Based Initiatives

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Onondaga County Division of Mental Health Services

Name: Contingency Protocol for Order that Does not Appear to Meet Criteria
"Pick-Up" Orders

Purpose: This protocol is meant to be in response to the following event: **A Emergency Admission "Pick-Up Order" (including 9.39, 9.41, 9.43, 9.45, 9.55, 9.57, 9.58, 9.60)** has been signed and does not appear to meet the NYS MHL criteria. The protocol reflects the need for a quick process to ensure that the person has access to supports and services to best meet their mental health needs in the least restrictive manner.

Author of Emergency Admission Order Responsibilities:++

1. Exhaust all community engagement techniques and supports in getting the "Individual" help prior to filling out an Emergency Admission Order. For instance a mobile crisis eyes on for initial assessment prior to 9.45 being written if it is felt not to cause greater risk to "individual" and others.
2. Ensure the Emergency Admission Order and supplemental documentation has been filled out in accordance with Onondaga County Training and protocols.
3. As indicated in the supplemental form, identifies a point person who understands the needs of the "Individual", history of the case and is able to continuously participate in the "Contingency Planning Team" to communicate and participate. (May be more than one person)

Law Enforcement Responsibilities

1. Receive and review order
2. Communicate with the Author of the order to address any issues with the order
3. Notify and confer with the DCS of the Questionable Order that is not able to be resolved with the Author or its agency.
4. Execute order if it is determined it meets criteria or
5. If non-executable order evaluate the facts of the incident to determine the appropriate response that could include:
 - a. Mobile Crisis Response

b. CPT Protocol

Mobile Crisis Team Responsibilities:

1. Respond to LE request for response to the scene.

Director of Community Services Responsibilities (Need procedures to cover for nights and weekends)

1. Review the order and determine if it meets criteria or need for additional review by County Attorney.
2. If unable to determine if the Order meets criteria on a night or weekend, ask for mobile crisis to be deployed to assess the situation and determine appropriate next steps. And review order with County Attorney as soon as practicable.
3. If non-executable order evaluate the facts of the incident to determine the appropriate response that could include:
 - a. Mobile Crisis Response
 - b. CPT Protocol

County Attorney Responsibilities:

1. Review the order and determine if it meets criteria at request of DCS.

Lines of Communication and Information flows:

The initial notification from LE to the DCS should be made right away via text or call with no PHI included in the text message. The order should be emailed to the DCS to protect as much privacy of the individual as possible.

Confidentiality requirements. Any enforcement of an order issued under Article 9 of the NYS Mental Hygiene Law (MHL) that requires the communication of highly sensitive, protected information under HIPAA and the more strict MHL must ensure that information relayed to non-treating providers and the responding law enforcement agents is the minimum necessary to reasonably support the effort to get the individual assessment and any needed treatment. MHL 33.13(9)(v) provides, in pertinent part, that sensitive information from an individual's clinical record may be shared with "appropriate persons and entities when necessary to prevent imminent serious harm to the patient or client or another person, provided, however, nothing in this subparagraph shall be construed to impose an obligation to release information pursuant to this subparagraph."