



Allegheny County  
Department of  
Human Services

# Mental Health Procedures Act

Presented by

Office of Behavioral Health

Information, Referral & Emergency Services (IRES)



# Introduction

- The Mental Health Procedures Act of 1976 (MHPA), Title 50 Pennsylvania Statutes and amendments are the controlling statutes for mental health commitments in the Commonwealth of Pennsylvania. Mental health commitments in the Commonwealth are divided into two types —voluntary and involuntary. The following slide describes each type and level.

# Commitment Types/Levels

- **201 - Voluntary Inpatient Commitment**
- **302 - Involuntary examination and commitment** (up to 120 hrs. from the time of the physician exam at a designated facility ER).
- **303 - Extension of treatment** (up to an additional 20 days from the hearing date and following the 302)
- **304b - Extension of Treatment** (up to an additional 90 days from the hearing date and following the 303)
- **304c - Changing Inpatient or Outpatient commitment status from Voluntary to Involuntary status** (up to 90 days from the hearing date)
- **305 - Extension of Treatment** (up to an additional 180 days from the hearing date and following the 304b or 304c)
- **306 - Transfer of Persons In Involuntary Treatment**

# 201 vs 302

➤ Neither voluntary nor involuntary commitments require a hearing. The decision to grant either is made by a physician.

	201 (voluntary)	302 (involuntary)
Purpose	Voluntary mental health exam and treatment	Involuntary Emergency Examination and Treatment
General Requirements	Voluntary consent to receive inpatient treatment	Severe mental disability based upon clear and present danger to self or others. Overt behaviors of threats with acts to further the threats occurring within the past 30 days.
Who May Apply	Any person 14 years of age or older may apply for self. Parent or guardian of child under 14 years of age. If 14 to 17 years old, parents must be informed of their right to object. Other persons with medical decision-making authority.	Any responsible person may apply to the County Administrator or his/her delegate. Upon personal observation of Section 301 behavior, any physician, police officer or authorized person may take the person to an approved facility.
Form & Application	Signed consent to in-patient treatment. Form MH-781 a, b, c as necessary. MH-782 Bill of Rights.	Application must be in writing signed by petitioner. Approved by County Administrator or his/her delegate. Form MH-783. No form required until the person is at the facility
Duration	Indefinite stay is permitted. Must give up to 72 hours notice to withdraw, if applicable. May be subject to 302 or 304c commitment upon withdrawal of voluntary consent	May not exceed 120 hours. Patient may be subject to 303 commitment. Patient may convert to voluntary status

# Voluntary Commitments (201)

## Consent for Treatment

- Juveniles aged 14 years or older who believe they need treatment and understand the necessity for it, may submit himself/herself for examination and treatment voluntarily. The parent, guardian or other lawful medical decision-maker of a child less than 14 years of age may provide consent for the child to receive such treatment.
- If a juvenile aged 14-18 is admitted for voluntary treatment following consent for himself/herself, the hospital must complete form MH 781-E Notification Of Admission Of A Child and send it to the parent or legal guardian.
- Act 65 allows a parent or legal guardian to provide consent for voluntary treatment if the child is already in the emergency room.
- The MHPA allows for the individual to give notice when requesting to leave the hospital against medical advice. The MHPA states that notice can be from 0 up to 72 hrs. The length of time is to be determined by the individual and the facility.

# Voluntary Commitments (201)

## Forms

- Consent for Treatment (MH 781 rev 7/82)
- Explanation of Voluntary Admission Rights (MH 781-BCD rev 2/87)
- Bill of Rights (MH 782 rev 2/87)
- Notification of Admission of Child (MH 781-E rev 8/76)
- Form Necessary to Withdraw From Treatment (MH 781F rev 2/87)

# Voluntary Commitments (201)

## **Act 65 of 2020**

- In 2020, House Bill 672, titled “Gabby’s Law” became Act 65 of 2020. This law gives a parent or legal guardian of a juvenile aged 14-18 the authority to consent to voluntary inpatient treatment following the recommendation of a physician for inpatient care.
- If the juvenile between the ages of 14 - 18 is not already in a designated facility, 302 criteria must be met in order to transport them against their will.

# Voluntary Commitments (201)

## Act 65 of 2020

### Consent for Outpatient Treatment

- Juveniles aged 14-18 may consent to their own treatment.
- A parent or legal guardian may consent to treatment for a child of any age.
- Neither the juvenile nor the parent can override (abrogate) the other's consent.

### Consent for Inpatient Treatment

- Juveniles aged 14-18 can consent to their own treatment.
- A parent or legal guardian can consent to treatment for a child 0-13.
- For a juvenile aged 14-18, the parent's/guardian's consent must be preceded by the recommendation of a physician who has examined the juvenile and requires a physician's order determining that inpatient treatment is appropriate.
- The child can appeal through the Court of Common Pleas.



# Involuntary Examination & Treatment (302)

## Purpose

- To provide a means for involuntary treatment of individuals whose behaviors are dangerous to self or to others DUE TO MENTAL ILLNESS.
- Allows a person to be taken against their will to a designated facility (a hospital which has been authorized by the county to perform examinations under the MHPA) for examination.
- Gives authorization for a physician to evaluate a person against their will
- Gives authorization for a person to be held in a designated facility for up to 120 hrs. from the time of the physician examination in the ER.
- Drug and/or alcohol abuse, intellectual disabilities & dementia are not in and of themselves committable behaviors.

# Involuntary Examination & Treatment (302)

## Application

- Anyone who witnesses behavior or anyone to whom a person has admitted the behavior, can petition for a 302 (302 is shorthand for PA code 50 P.S. § 7302).
- Petition can be filed at:
  - Any of the following designated facilities: AHN-Allegheny Valley, AHN-Forbes Regional Hospital, AHN-Jefferson, Heritage Valley-Kennedy, St. Clair Memorial, UPMC-McKeesport, UPMC-Montefiore, UPMC-Presbyterian, UPMC-Shadyside, UPMC-Western Psychiatric Hospital, VA Pittsburgh.
  - Allegheny County Office of Behavioral Health by calling (412) 350-4457.
  - resolve Crisis Services 1-888-796-8226.

# Involuntary Examination & Treatment (302)

## Harm to Others

- Any act or stated plan to harm an individual or group.
- A statement or gesture in furtherance of the threat (e.g., “I am going to kill you”) is not sufficient. Individual must have an act of furtherance.
- An individual must be able to carry out the threat
- These behaviors must be accompanied by symptoms of mental illness and that mental illness must be deemed the likely cause of the dangerous behaviors.

# Involuntary Examination & Treatment (302)

## Harm to Self (Inability to Care for Self)

### 1. Activities of Daily Living (ADL's)

- A person is unable to perform basic daily activities to sustain himself/herself AND these inabilities are believed to be the result of a mental illness. Examples include eating, hydration and basic home safety (e.g., to avoid fires while cooking).

# Involuntary Examination & Treatment (302)

## Harm to Self (Inability to Care for Self)

### 2. Medical

- A person is unable to make an INFORMED decision regarding their medical care and is likely to lead to imminent danger AND this inability is believed to be the result of a mental illness (e.g. an individual has hypertension, diabetes and heart disease and refuses to take medications. The reason for their refusal is that paranoia, as a result of their mental illness, causes them to believe the medication is poisoned).

# Involuntary Examination & Treatment (302)

## Harm to Self (Suicide Attempt)

- Any act with the intent to end one's own life.
- A plan must be clearly stated and the person must have the ability to carry it out.
- A statement or gesture of the threat (e.g., "I am going to kill myself") is not sufficient.
- Individual must have an act of furtherance (e.g. buying a gun).

# Involuntary Examination & Treatment (302)

## Harm to Self (Self-mutilization)

- Self-mutilation is the intentional injury of body tissue without suicidal intent (e.g., burning, scratching, banging or hitting body parts, interfering with wound healing, hair pulling).
- Some self-mutilation acts are considered baseline for individuals with certain mental illnesses (e.g., cutting) and would not necessarily be grounds for approval of a 302 petition.

# Involuntary Examination & Treatment (302)

## Related Forms

- Application for Involuntary Emergency Examination and Treatment (MH 783 rev 7/07)
- Justification for Involuntary Treatment
- Notification of Mental Health Commitment (SP 4-131 rev 8/01)
- Allegheny MH/MR/D&A Acknowledgement Form
- Rights Under Involuntary Emergency Treatment (MH 783A 2/87)
- Bill of Rights (MH 782 12/06)

Note: In Allegheny County, these forms are populated and generated through the IRES computer application. All designated facilities and many community providers have access. Paper forms are still used on occasion when necessary.



# Involuntary Examination & Treatment (302)

## Act 77 of 1996

- Act 77 provides a mechanism for the enforcement of 18 Pa C.S. § 6105(c)(4) of the Uniform Firearms Act (Persons not to possess, use, manufacture, control, sell or transfer firearms). This statute prohibits persons involuntarily committed under sections 302, 303 and 304 of MHPA of possessing, using, manufacturing, controlling, selling or transferring firearms.
- Act 77 amended the MHPA, adding a requirement that:  
“...judges of the courts of common pleas, mental health review officers and county mental health and mental retardation administrators shall notify the Pennsylvania State Police on a form developed by the Pennsylvania State Police of the identity of any individual who has been adjudicated incompetent or who has been involuntarily committed to a mental institution for inpatient care and treatment.”

# Expungement

## ❖ Review by Court (18 Pa. C.S. § 6111.1(g)(2))

A person who is involuntarily committed pursuant to section 302 of the Mental Health Procedures Act may petition the court to review the sufficiency of the evidence upon which the commitment was based. If the court determines that the evidence upon which the involuntary commitment was based was insufficient, the court shall order that the record of the commitment submitted to the Pennsylvania State Police be expunged. A petition filed under this subsection shall toll the 60-day period set forth under section 6105(a)(2).

**Note: This effectively blocks any public knowledge that the commitment ever occurred, including records sent to the PA State Police under Act 77.**

# Extended Involuntary Emergency Treatment (303)

## Purpose

- To request an extension of the involuntary inpatient treatment up to an additional 20 days following a commitment under section 302.

## Process

- Physician completes the 303 petition in the Orphans Court computer application (CMS). This petition is submitted within 72 hrs. of the 302 examination date/time.
- County delegate schedules hearing to be held at designated facility.
- 302 petitioner is notified of date and time of hearing by the county delegate or hospital.
- An Assistant Public Defender (APD)/private counsel will interview the individual and represent them at the hearing
- An Assistant County Solicitor (ACS) will represent the PETITION at the hearing.
- The treating psychiatrist and petitioner will testify.
- The individual will attend/testify, if they choose.
- The Mental Health Review Officer (MHRO) will make a decision to uphold/dismiss/withdraw or continue the petition. If upheld, the MHRO will designate the number of treatment days for inpatient/outpatient/partial hospitalization or any combination of the three.

# Extended Involuntary Emergency Treatment (303)

## Guidelines

- Must be filed within 72 hours of 302 examination.
- Must be heard within 120 hours of the 302 examination.
- Petitioner must attend the hearing and testify to what they wrote on the 302 petition.
- Physician must testify that the dangerous behavior cited in the 302 petition was due to mental illness and would likely lead to imminent danger to the individual or others if the individual were to be released.

# Extended Involuntary Emergency Treatment (303)

## Continuances

- A request may be submitted for consideration to the APD assigned to the case if:
  1. The individual is on a medical unit and is unable to attend the hearing.
  2. The treating psychiatrist has filed a 303 petition within 72 hours of the 302 examination.

Note: An agreement for continuation is always a decision made by the APD in consultation with the individual.

# Extended Involuntary Emergency Treatment (303)

## Who May Attend? What Are Their Roles?

- **MHRO** – an attorney hired to conduct hearings on behalf of the Orphans Court Judge. Decides the disposition of the petition.
- **Assistant Public Defender (APD)/private counsel** – represents the individual.
- **Assistant County Solicitor (ACS)** – represents the petition.
- **302 Petitioner** – person who witnessed the dangerous behavior.
- **Treating psychiatrist** – testifies that the behavior witnessed in the petition was due to mental illness and would likely lead to imminent danger to the individual or others if the individual were to be released.
- **County Mental Health Caseworker (delegate)** – helps with coordinating the hearings.
- **Security** – assures safety in the courtroom.
- **Hospital Social Worker or Hearing Coordinator** – coordinates hearings and arranges for patient and treating psychiatrist to participate.

Note: Mental health hearings are closed proceedings. The client or APD/private counsel are the only ones who can give permission for anyone not listed above to attend or obtain information about the hearing.

# Extended Involuntary Emergency Treatment (303)

## Related Forms

- Allegheny County DHS Petition Information/ or Medical Continuation Sheet
- Application for Extended Involuntary Treatment – Section 303 (MH 784 rev 7/82)
- Justification for Involuntary Treatment
- Notification of Mental Health Commitment (SP 4-131 rev 8/01)
- Notice of Intent to File Petition and Explanation of Rights (MH 784A rev 7/92)