

May 14, 2012

TO: CHAPTER 51 COMMITTEE

FROM: Jon Berlin, MD

RE: Suggested language regarding “least restrictiveness”

A high bar is set for emergency detention. This table illustrates how an appropriate ED has 3 legs that correspond to the 3 features of an individual in need of this type of intervention: the diagnosis criteria, the dangerous/grave disability criteria and the uncooperativeness criteria.*

Example	Diagnosis	Danger	Uncooperative*	DETENTION?
Man with OCD who refuses treatment	√		√	NO
Bank robber who kills a hostage and refuses hospital treatment of antisocial personality		√	√	NO
Suicidal woman with Major Depression goes to ER seeking hospitalization	√	√		NO
Man with manic psychosis who jumped off 3 rd story balcony believing he could fly. Does not believe he is ill or needs treatment.	√	√	√	YES

NOTES

*The uncooperativeness criteria can also need to be applied to individuals who are too ill and high risk to be treated voluntarily in the initial period.