

Monthly and SFY to Date (July 1, 2014-June 30, 2015)
Emergency Services Activity and Temporary Detention Order (TDO) Exception Report Summary
September 2014

Background:

Community Services Boards (CSBs)^[1] collect and report data on exceptional events associated with emergency custody orders (ECOs), temporary detention orders (TDOs), and involuntary admissions under the new statutes effective July 1, 2014, as well as the factors contributing to these events.^[2] The Department of Behavioral Health and Developmental Services (DBHDS) requires this data to be submitted monthly by each geographic region.^[3] This document is the third monthly report of data collected to date for fiscal year 2015. Counts of events are calculated and presented for each month and quarter for ease of comparison and trend analysis.^[4]

DBHDS also requires CSBs to report within 24-hours any event involving an individual who has been determined to meet TDO criteria for whom the *“system or systems fail or are unable to meet the needs of an individual (e.g., TDO not executed within 24 hours after issuance or other significant sentinel event) determined to meet TDO criteria”* (Herr, n.d.). There were five such events during the month of September, 2014, as described below.

- An individual, under an ECO, in an intensive care unit (ICU), was assessed and determined to meet TDO criteria. The CSB evaluator located an available detention facility and obtained a TDO from the magistrate. The law enforcement officer went to the hospital to execute the TDO but since the individual was in the ICU, the officer left without executing the order or notifying the CSB. When preparing for the commitment hearing, the CSB discovered that the individual was not on the psychiatric unit and had remained on the medical unit for two days. The individual was re-assessed and a subsequent TDO was issued and executed.
- An individual under an ECO was assessed by the CSB and determined to meet TDO criteria. However, the individual was served with a felony warrant during the period of emergency custody, and was arrested and booked into the local jail. A delay in admission occurred due to the complicated legal status of the individual. The individual’s safety was maintained and a TDO was executed to a state facility.
- An individual not subject to an ECO was evaluated and deemed to meet TDO criteria in an emergency department. While a TDO bed search was being conducted, the individual eloped from the emergency department. There was no police or security presence in the ED because the person had presented voluntarily for treatment. ED staff had been made aware of the intention to seek a TDO upon locating a bed. A TDO was obtained but law

^[1] There are 39 Community Services Boards and 1 Behavioral Health Authority in the Commonwealth, referred to in this report as CSBs.

^[2] See Appendix A for complete detailed listing of these definitions.

^[3] See Appendix B for a complete listing of CSBs within each of the seven Partnership Planning Regions.

^[4] In addition, data is reported both statewide and by region throughout the report and in Appendix C.

Monthly and SFY to Date (July 1, 2014-June 30, 2015)
Emergency Services Activity and Temporary Detention Order (TDO) Exception Report Summary
September 2014

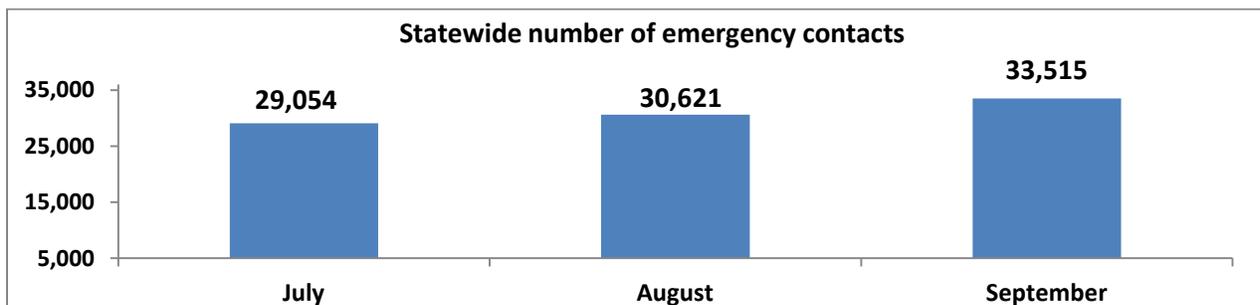
enforcement did not attempt to locate the individual when it was determined the person was no longer in the emergency department and returned the TDO unexecuted to the magistrate. The law enforcement CIT Coordinator was contacted and the TDO was executed at the person's home.

- A TDO was issued and executed on an individual subject to an ECO, but the initial accepting detention facility declined admission pending further medical testing for a possible infectious disease. The individual was maintained safely in the emergency department until testing was completed and was subsequently transported to the TDO facility.
- An individual was brought to the emergency department voluntarily by rescue squad, was evaluated and deemed to meet TDO criteria. A petition for TDO was filed with the magistrate but the magistrate declined to issue, citing insufficient evidence. The individual was allowed to leave the emergency department after declining a voluntary admission. The individual's family was contacted and given information about community resources and the process of obtaining an ECO in case the individual needed further evaluation/treatment.

All of these incidents were reported to DBHDS in accordance with the established protocol. Follow up steps, such as education and increased communication with service delivery partners were initiated by the CSBs in these cases to mitigate risks of elopement, and to improve communication and care coordination in this process.

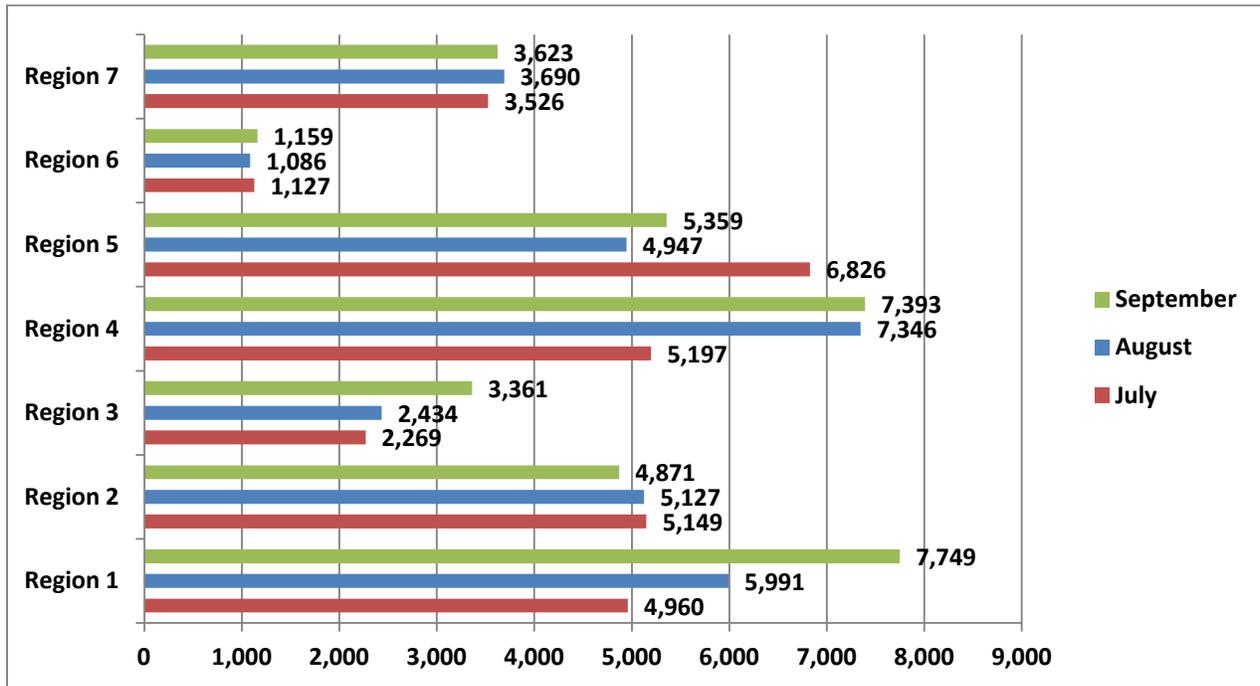
Graph 1. Emergency contacts statewide

Emergency contacts are events requiring any type of CSB emergency service involvement or intervention. There were 33,515 emergency contacts reported statewide during the month of September, which is a 9% increase from August and a general trend upward since July. DBHDS is updating reporting definitions and protocols to ensure uniformity in data collection and reduce reporting variations over time. DBHDS is closely monitoring the data and actively working with regions to identify and address factors contributing to trend lines. Graph 1 displays the statewide number of emergency contacts for July through September. Graph 1a displays the breakdown by region (corresponds with Table 1, Appendix C).



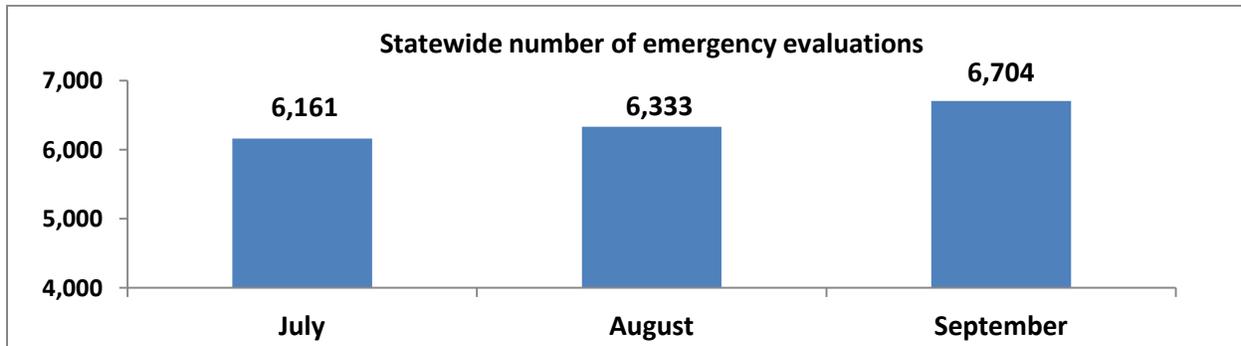
Graph 1a. Emergency contacts by region

Monthly and SFY to Date (July 1, 2014-June 30, 2015)
 Emergency Services Activity and Temporary Detention Order (TDO) Exception Report Summary
 September 2014



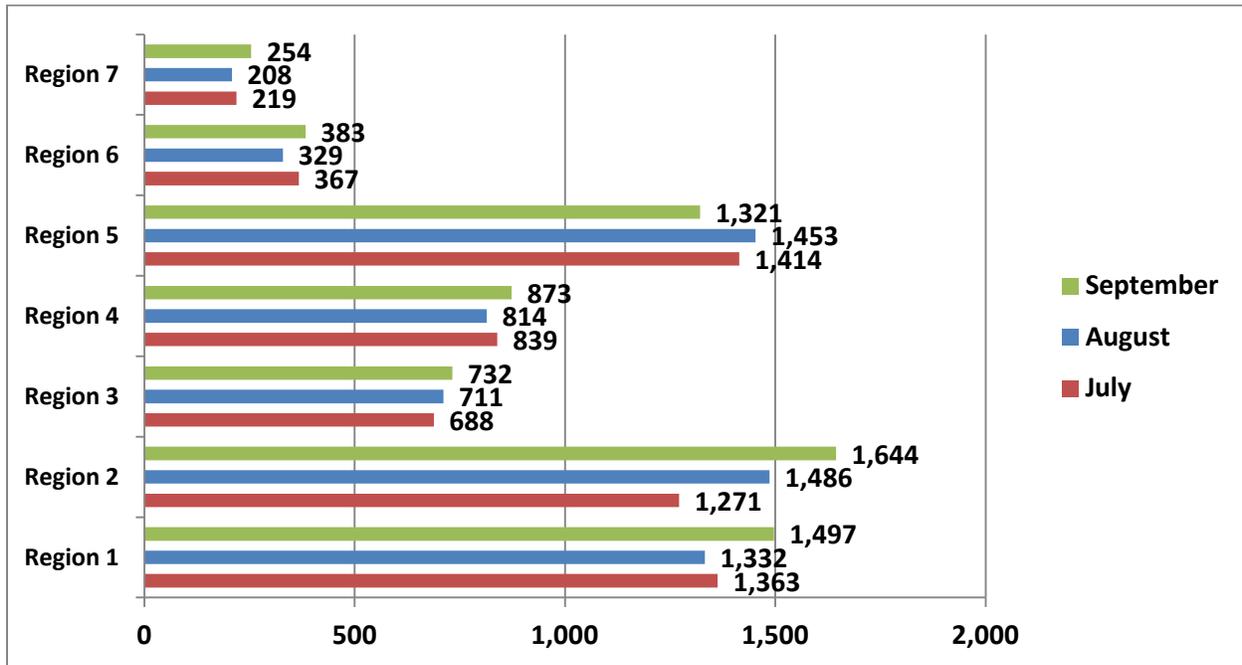
Graph 2. Emergency evaluations statewide

Emergency evaluations are full, in-person clinical examinations conducted by CSB emergency services staff for individuals who are in crisis (these exams may also be conducted electronically by two-way video and audio communication). The statewide number of emergency evaluations reported in September was 6,704, which is an increase of about 6% from August and a general trend upward since July (Graph 2). Graph 2a displays this data by region (corresponds with Table 2, Appendix C). The figures for emergency contacts and emergency evaluations, as well as TDOs reported in subsequent pages of this report, may represent duplicated (i.e., not mutually exclusive) counts of individuals because an individual may have made contact, or been evaluated or detained on more than one occasion and could therefore be included two or more times in any of these categories.



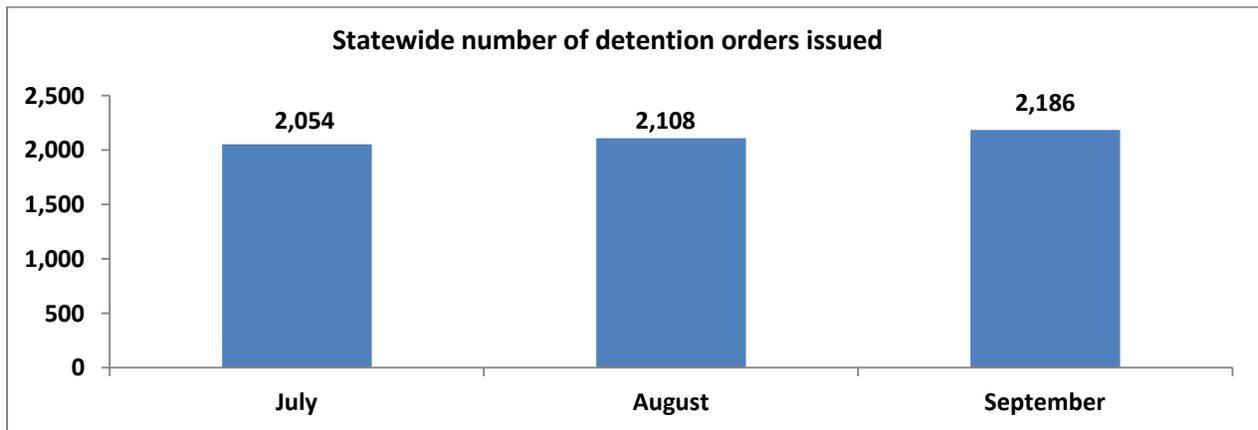
Graph 2a. Emergency evaluations by region

Monthly and SFY to Date (July 1, 2014-June 30, 2015)
 Emergency Services Activity and Temporary Detention Order (TDO) Exception Report Summary
 September 2014



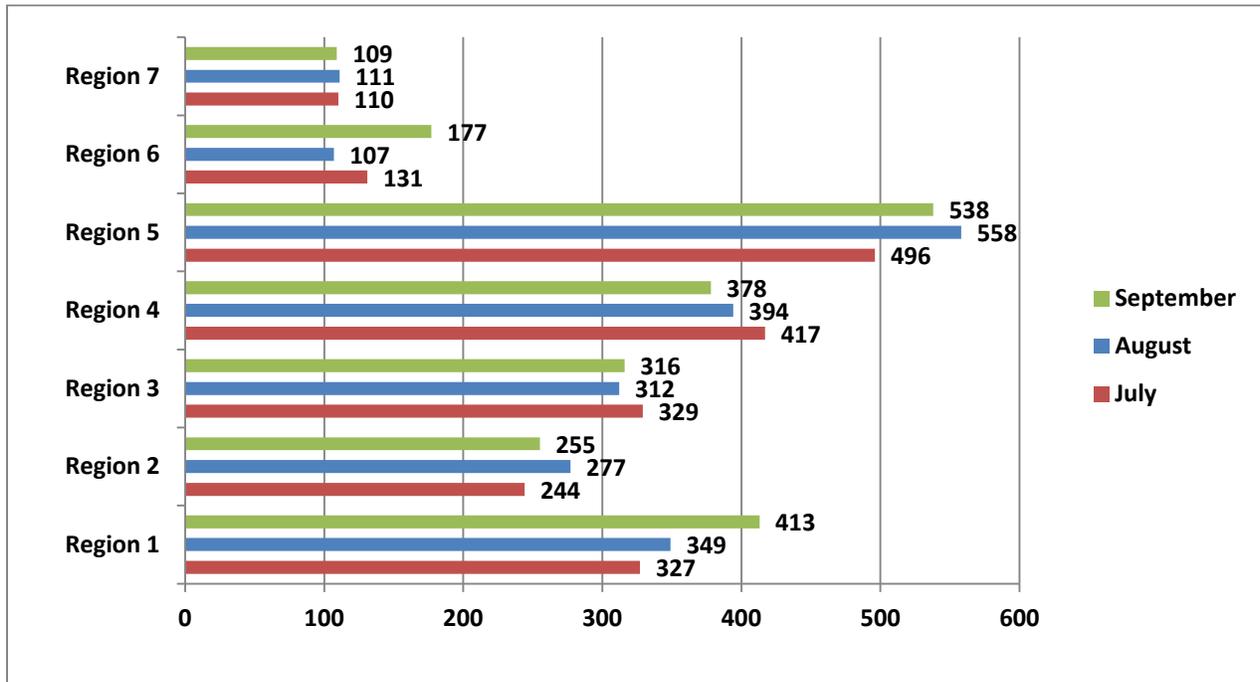
Graph 3. TDOs issued statewide

A TDO is issued by a magistrate after considering the results of the CSB evaluation and other relevant evidence, and determining that the person meets the criteria for temporary detention under § 37.2-809 or § 16.1-340.1. A TDO is executed when the individual is taken into custody by the officer serving the order. In September, there were 2,186 TDOs issued (Graph 3), and 2,185 TDOs executed (Graph 4). Graphs 3a and 4a display this data by region (corresponds with tables 3 and 4, Appendix C). This is about a 4% increase from August and a slight trend upward, for both categories, from July. **Sixty-seven percent of the emergency evaluations in September (4,518 of 6,704) did not result in a TDO.**



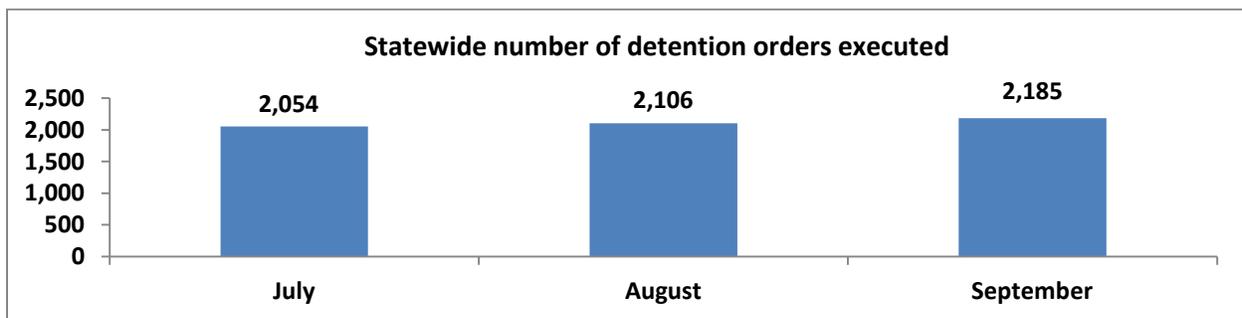
Graph 3a. TDOs issued by region

Monthly and SFY to Date (July 1, 2014-June 30, 2015)
 Emergency Services Activity and Temporary Detention Order (TDO) Exception Report Summary
 September 2014



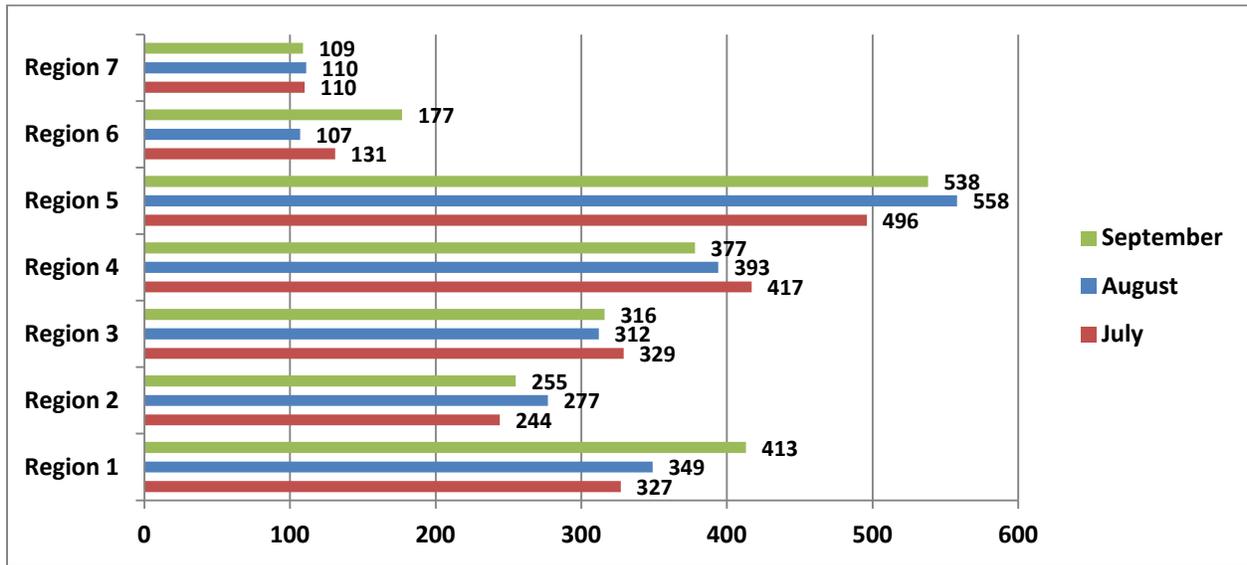
Graph 4. TDOs executed statewide

There was one TDO issued but not executed during the month of September. In this case, the individual was in an intensive care unit (ICU) when assessed and deemed to meet TDO criteria. The CSB evaluator located an available detention facility and obtained a TDO from the magistrate. The law enforcement officer went to the hospital to execute the TDO but did not execute the order since the individual was in intensive care. The officer left the hospital without notifying the CSB or the magistrate. The individual remained safely in the ICU until the CSB discovered, while preparing for the commitment hearing, that the individual had not been detained in the psychiatric facility as planned. The individual was re-assessed and another TDO was issued. The CSB in this case initiated a process improvement discussion with law enforcement regarding the need to execute any order and to notify the magistrate and the CSB of any difficulties encountered in the process.



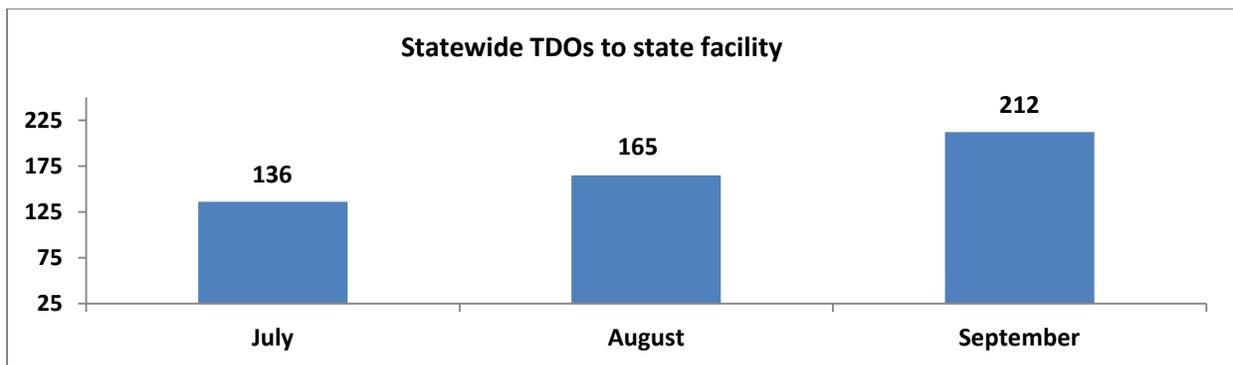
Graph 4a. TDOs executed by region

Monthly and SFY to Date (July 1, 2014-June 30, 2015)
 Emergency Services Activity and Temporary Detention Order (TDO) Exception Report Summary
 September 2014



Graph 5. TDO admissions to a state facility statewide

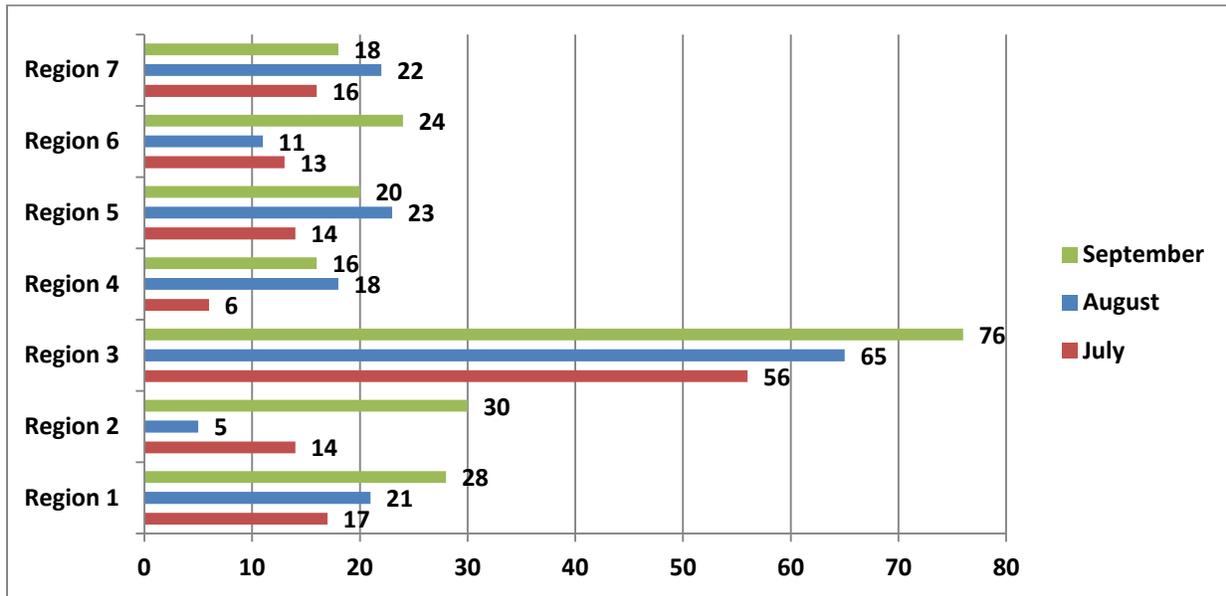
Of the 2,185 TDOs executed in September, 212 (<10%) resulted in the individual being admitted to a state facility^[5] (Graph 5). Graph 5a displays this data by region (corresponds with Table 5, Appendix C). This is an increase of 28% from August and continues a trend upward from July. Each region has in place specific admission protocols for individuals meeting TDO criteria. These protocols have been developed collaboratively within the region and are revised as individual and system needs change in each community. The variance among regions in the number of state facility TDO admissions reflects each region’s unique resources and protocols. Region 3, for example, encompasses a large geographic area with limited access to community psychiatric facilities, and thus is more reliant on state facilities, as compared to other regions.



Graph 5a. TDO admissions to a state facility by region

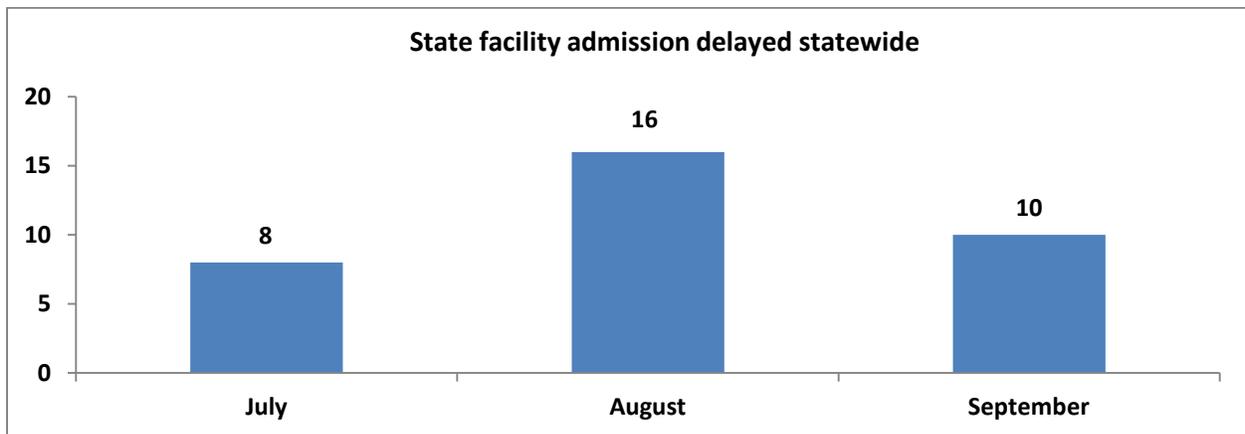
^[5] Source DBHDS AVATAR admitting CSB data.

Monthly and SFY to Date (July 1, 2014-June 30, 2015)
 Emergency Services Activity and Temporary Detention Order (TDO) Exception Report Summary
 September 2014



Graph 6. State facility admission delayed statewide

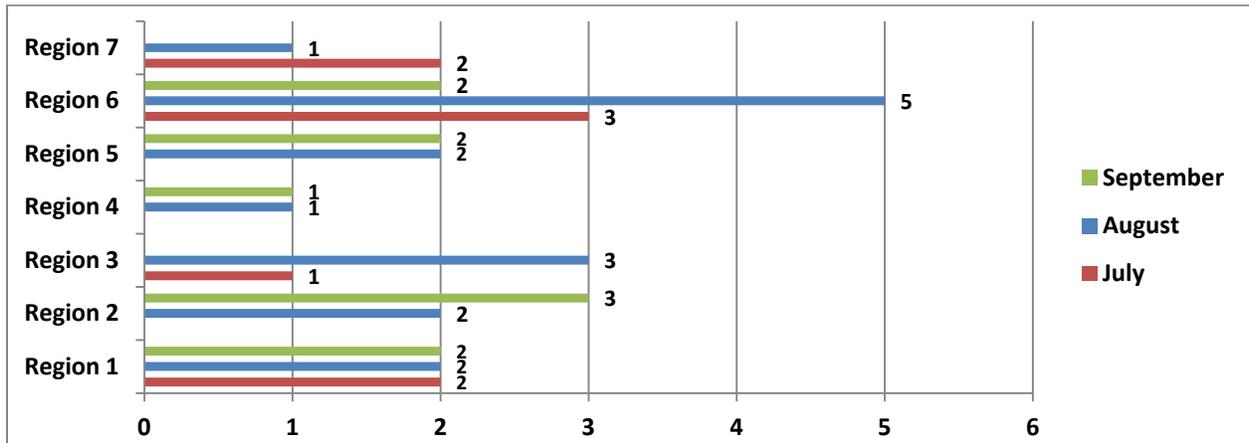
In September, there were ten occasions wherein the state hospital was deemed the “facility of last resort”^[6] but admission could not be accomplished before the ECO time period expired due to medical treatment needs, aggressive behavior or outstanding legal charges (Graph 6). All of the individuals were ultimately admitted to the state psychiatric facility. Graph 6a displays this data by region (corresponds with Table 6, Appendix C). This is a 38% decrease from August, but a slight increase from July. Regions 3 and 7 did not report this type of event in September.



Graph 6a. State facility admission delayed by region

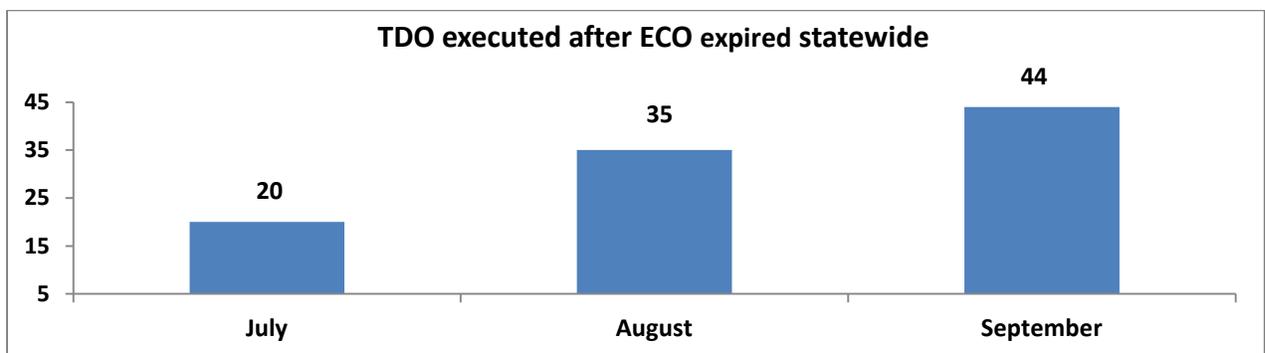
^[6] ECO expired; last resort admission delayed/refused due to medical, transportation or other issue.

Monthly and SFY to Date (July 1, 2014-June 30, 2015)
 Emergency Services Activity and Temporary Detention Order (TDO) Exception Report Summary
 September 2014



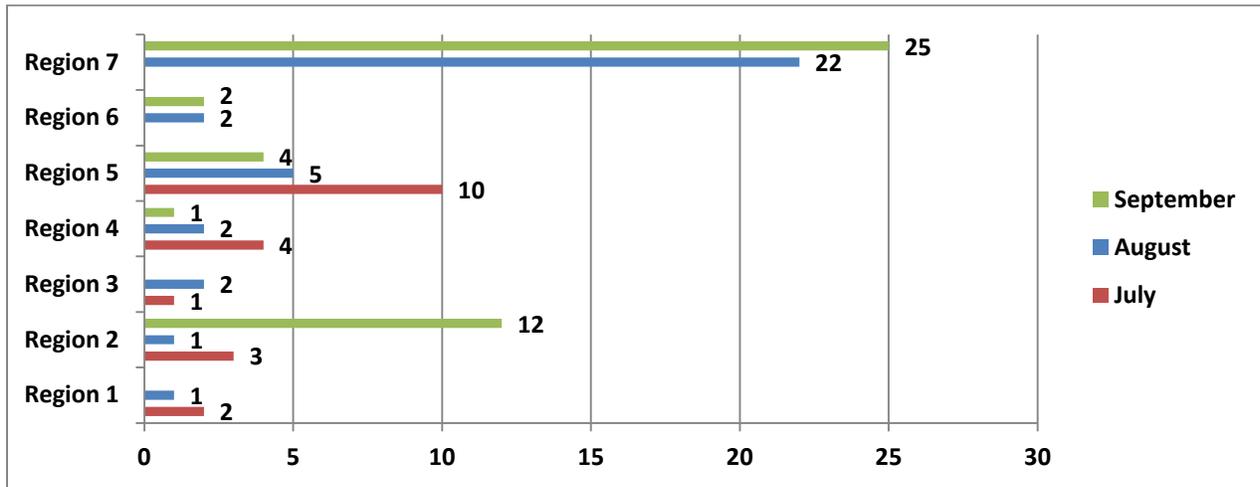
Graph 7. TDO executed after ECO expired statewide

In September, there were 44 (2%) reported cases where a TDO was issued but not executed until after the ECO period had ended (Graph 7). Graph 7a displays this data by region (corresponds with Table 7, Appendix C). This is a 26% increase from August and an upward trend from July. In most of these cases the individuals remained in an emergency department, crisis assessment center, or law enforcement department without incident until the TDO could be executed. In one case, the individual eloped from the assessment center while in the custody of law enforcement pending execution of a TDO. The individual was located after the ECO expired but the TDO was executed and the individual was transported safely to the detention facility. Verbal interventions, physical security (such as a locked emergency department), and the presence of law enforcement were strategies used to maintain custody. Regions 1 and 3 did not report this type of event in September. Region 7, however, continues to have a significantly greater number of these cases due to varying law enforcement response times and interpretations of how soon a TDO needs to be executed after issuance. Region VII is actively exploring solutions to this ongoing issue. DBHDS will monitor the trends in Region II, and should the trend continue, will work with the Region to identify and address the contributing factors.



Graph 7a. TDO executed after ECO expired by region

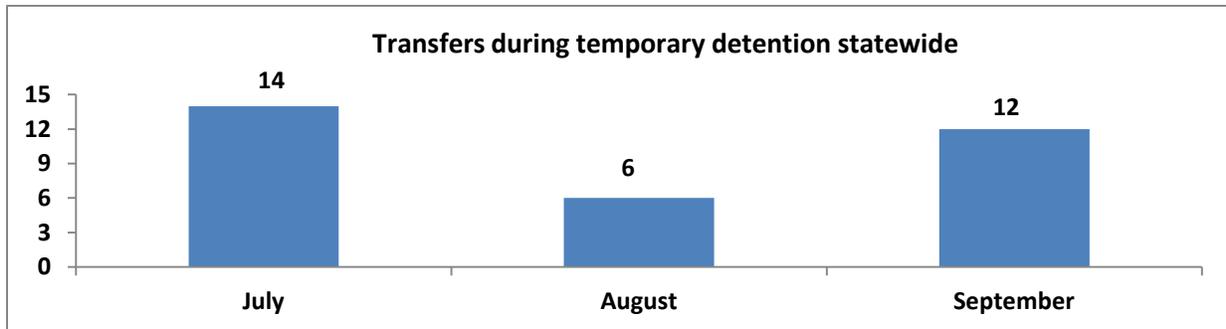
Monthly and SFY to Date (July 1, 2014-June 30, 2015)
 Emergency Services Activity and Temporary Detention Order (TDO) Exception Report Summary
 September 2014



Graph 8. Transfers during temporary detention statewide

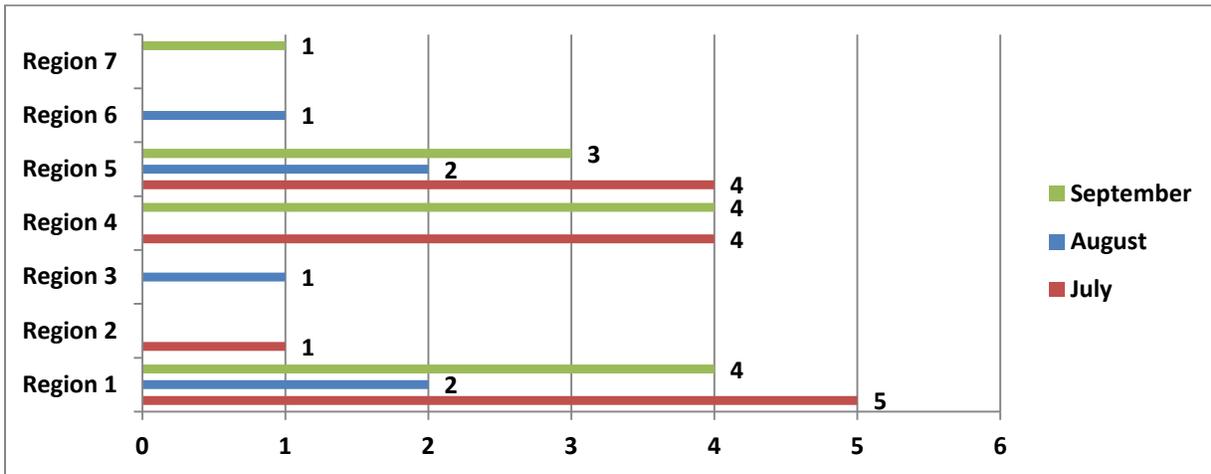
Section § 37.2-809.E. of the *Code of Virginia* allows an individual to be transferred from one temporary detention facility to another more appropriate facility in order to address an individual’s security, medical or behavioral health needs. This procedure was used 12 times (<1%) during September (Graph 8), which is a 100% increase from August, but slightly less than July. Graph 8a displays this data by region (corresponds with Table 8, Appendix C). Regions 2, 3 and 6 did not report any of these transfers in September.

- 9 of the September transfers were from state facilities to private facilities to assist with managing state psychiatric bed capacity.
- 2 transfers were from a private facility to a state psychiatric facility hospital due to physical aggression.
- 1 transfer was from a community crisis stabilization unit to a state psychiatric facility due to physical aggression.



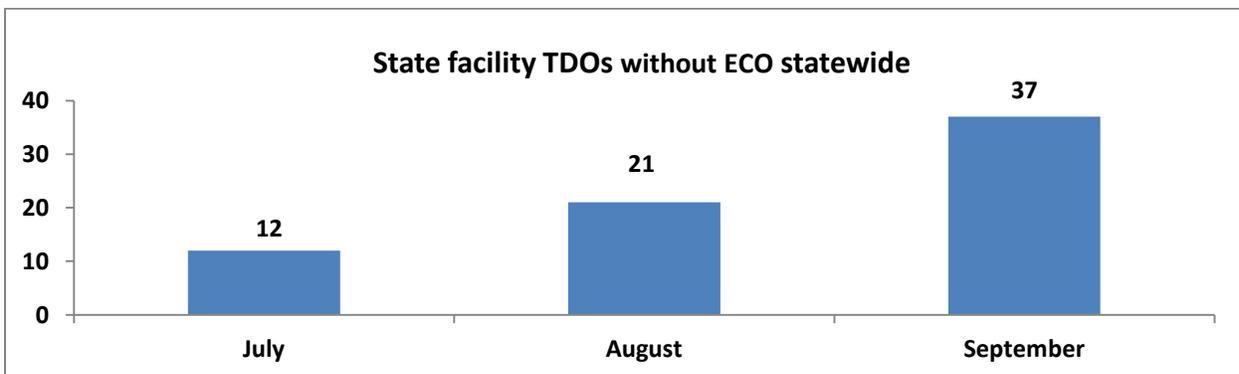
Graph 8a. Transfers during temporary detention by region

Monthly and SFY to Date (July 1, 2014-June 30, 2015)
 Emergency Services Activity and Temporary Detention Order (TDO) Exception Report Summary
 September 2014



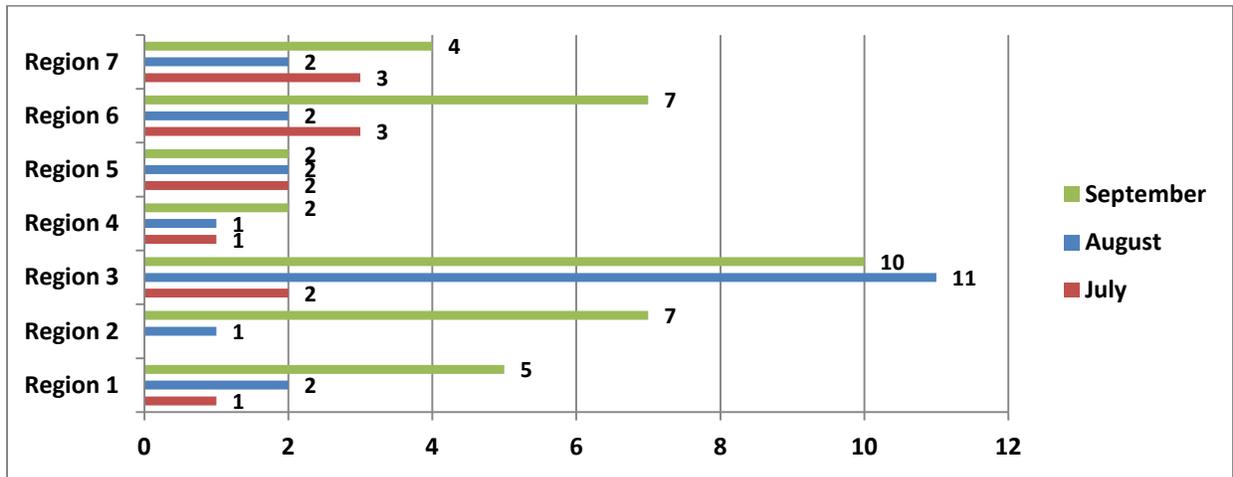
Graph 9. State facility TDOs without ECOs statewide

As the “facility of last resort”, DBHDS facilities will admit individuals who need temporary detention for whom no alternative placement can be found, whether or not the individual is under an ECO. CSBs report each such admission (“facility of last resort” where no ECO preceded), along with how many alternate facilities were contacted and the reason(s) for the inability to locate an alternate facility. In September, there were 37 such admissions to state facilities, which is a 76% increase from August and an upward trend from July (Graph 9). Graph 9a displays this data by region (corresponds with Table 9, Appendix C). A total of 347 contacts were made for an average of 9 alternate facilities contacted in each of these 37 instances. Thirteen of the admissions were due to lack of capacity of alternate facilities contacted. Other reasons for these admissions were diagnosis of an intellectual or developmental disability; medical needs beyond the capability of the contacted alternate facilities; aggressive behaviors not tolerable in the contacted facilities; advanced age with housing concerns; psychiatric acuity; diagnosis of traumatic brain injury; and out of state residence. DBHDS is closely monitoring these trends to identify the factors contributing to the steady increase of individuals under a temporary detention order who are admitted to state facilities.



Monthly and SFY to Date (July 1, 2014-June 30, 2015)
 Emergency Services Activity and Temporary Detention Order (TDO) Exception Report Summary
 September 2014

Graph 9a. TDOs to state facility without ECO by region



Note: Region 3 has the fewest local psychiatric hospital beds available as alternatives to state hospitals

Discussion:

The data in this report is used at the regional and local levels to promote the safety and well-being of individuals experiencing behavioral health crises and to inform positive system change. Local stakeholders and CSBs are communicating to improve local care coordination processes, eliminate system gaps and clarify agency and staff roles in the emergency response system. DBHDS has continued to work closely with CSBs and other system stakeholders to support effective response during the emergency custody and temporary detention process. This collaboration is essential to improving access to care for Virginians, and monitoring and making adjustments to the process will continue as part of ongoing system performance and quality improvement.

As stated in previous reports, to emphasize the urgency of these evaluations, Commissioner Debra Ferguson and VACSB Executive Director Jennifer Faison issued a joint memorandum on August 20, 2014, to all CSB/BHAs stating, *“it is critical that our system treat every emergency presentation as an acute and urgent situation that requires persistent efforts to ensure individuals receive necessary and appropriate care. This is a standard of practice to which we must hold ourselves and our system. Those who rely on our emergency response system in times of crisis deserve nothing less than our most determined efforts”* (Ferguson and Faison, n.d.).

References

Herr, D. *TDO Exception and Instruction* [Memorandum]. Richmond, VA: Department of Behavioral Health and Developmental Services.

Ferguson, D. and Faison, J. [Memorandum] Richmond, VA: Department of Behavioral Health and Developmental Services and Virginia Association of Community Services Boards.



APPENDIX A

Data Elements Reported Monthly by CSB/BHAs

Each CSB/BHA reports four data factors on volume to the region:

1. **Emergency contacts:** This is the total number of calls, cases or events, each month, requiring any type of CSB/BHA emergency service involvement or intervention, whether or not it involves emergency evaluation, and regardless of disposition.
2. **Emergency Evaluations:** This is the total number of emergency evaluations (conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1), completed each month, regardless of the disposition
3. **Number of TDOs Issued:** Monthly total of TDOs issued (TDOs are issued by a magistrate)
4. **Number of TDOs Executed:** Monthly total of TDOs executed (TDOs are executed when the individual is served the TDO)

Each CSB/BHA also reports six data elements:

1. Cases where a TDO to a community facility was needed but the primary state hospital was used as a “last resort” because an alternative facility could not be found at the end of 8-hour ECO period.
2. Cases where the primary state hospital could not be used as a “last resort” when needed at the end 8-hour ECO period and a back-up state hospital was used instead.
3. Cases where the state hospital was needed as the “last resort” but admission could not be accomplished at the 8-hour expiration of ECO because of a medical or other issue (e.g., medical condition cannot be treated effectively in state facility, individual is not medically stable for transfer to state hospital, etc.).
4. Cases where a TDO was issued to a community or state facility but the TDO was not executed within the 8-hour ECO time period (i.e., individual no longer in ECO period but “not released” (per statute) pending execution of TDO).
5. Cases where individual was transferred from one TDO facility to another during the period of temporary detention.
6. Cases where individual is not under ECO, but needs TDO admission and no community facility is found for admission, resulting in state hospital admission as “last resort” facility.

For the six factors above, associated descriptor information is reported as well.

APPENDIX B

Monthly and SFY to Date (July 1, 2014-June 30, 2015)
 Emergency Services Activity and Temporary Detention Order (TDO) Exception Report Summary
 September 2014

Partnership Planning Region	Community Services Board or Regional Behavioral Health Authority
1 Northwestern Virginia	Horizon Behavioral Health Services Harrisonburg-Rockingham CSB Northwestern Community Services Rappahannock Area CSB Rappahannock-Rapidan CSB Region Ten CSB Rockbridge Area Community Services Valley CSB
2 Northern Virginia	Alexandria CSB Arlington County CSB Fairfax-Falls Church CSB Loudon County CSB Prince William County CSB
3 Southwestern Virginia	Cumberland Mountain CSB Dickenson County Behavioral Health Services Highlands Community Services Mount Rogers CSB New River Valley Community Services Planning District One Behavioral Health Services
4 Central Virginia	Chesterfield CSB Crossroads CSB District 19 CSB Goochland-Powhatan Community Services Hanover CSB Henrico Area Mental Health & Developmental Services Board Richmond Behavioral Health Authority
5 Eastern Virginia	Chesapeake CSB Colonial Behavioral Health Eastern Shore CSB Hampton-Newport News CSB Middle Peninsula-Northern Neck CSB Norfolk CSB Portsmouth Department of Behavioral Healthcare Services Virginia Beach CSB Western Tidewater CSB
6 Southern	Danville-Pittsylvania Community Services Piedmont Community Services Southside CSB
7 Catawba Region	Alleghany Highlands CSB Blue Ridge Behavioral Healthcare

APPENDIX C

Monthly and SFY to Date (July 1, 2014-June 30, 2015)
 Emergency Services Activity and Temporary Detention Order (TDO) Exception Report Summary
 September 2014

Table 1. Number of emergency contacts (corresponds with graph 1a, pg 3)

Region	July	August	September	Total
Region 1	4,960	5,991	7,749	18,700
Region 2	5,149	5,127	4,871	15,147
Region 3	2,269	2,434	3,361	8,064
Region 4	5,197	7,346	7,393	19,936
Region 5	6,826	4,947	5,359	17,132
Region 6	1,127	1,086	1,159	3,372
Region 7	3,526	3,690	3,623	10,839
Total	29,054	30,621	33,515	93,190

Table 2. Number of emergency evaluations (corresponds with graph 2a, pg 4)

Region	July	August	September	Total
Region 1	1,363	1,332	1,497	4,192
Region 2	1,271	1,486	1,644	4,401
Region 3	688	711	732	2,131
Region 4	839	814	873	2,526
Region 5	1,414	1,453	1,321	4,188
Region 6	367	329	383	1,079
Region 7	219	208	254	681
Total	6,161	6,333	6,704	19,198

Table 3. Number of TDOs issued (corresponds with graph 3a, pg 5)

Region	July	August	September	Total
Region 1	327	349	413	1,089
Region 2	244	277	255	776
Region 3	329	312	316	957
Region 4	417	394	378	1,189
Region 5	496	558	538	1,592
Region 6	131	107	177	415
Region 7	110	111	109	330
Total	2,054	2,108	2,186	6,348

Table 4. Number of TDOs executed (corresponds with graph 4a, pg 6)

Monthly and SFY to Date (July 1, 2014-June 30, 2015)
 Emergency Services Activity and Temporary Detention Order (TDO) Exception Report Summary
 September 2014

Region	July	August	September	Total
Region 1	327	349	413	1,089
Region 2	244	277	255	776
Region 3	329	312	316	957
Region 4	417	393	377	1,187
Region 5	496	558	538	1,592
Region 6	131	107	177	415
Region 7	110	110	109	329
Total	2,054	2,106	2,185	6,345

Table 5. TDO admissions to a state facility (corresponds with graph 5a, pg 7)

Region	July	August	September	Total
Region 1	17	21	28	66
Region 2	14	5	30	49
Region 3	56	65	76	197
Region 4	6	18	16	40
Region 5	14	23	20	57
Region 6	13	11	24	48
Region 7	16	22	18	56
Total	136	165	212	513

Table 6. State facility admission delayed (corresponds with graph 6a, pg 8)

Region	July	August	September	Total
Region 1	2	2	2	6
Region 2	0	2	3	5
Region 3	1	3	0	4
Region 4	0	1	1	2
Region 5	0	2	2	4
Region 6	3	5	2	10
Region 7	2	1	0	3
Total	8	16	10	34

Table 7. TDO executed after ECO expired (corresponds with graph 7a, pg 9)

Monthly and SFY to Date (July 1, 2014-June 30, 2015)
 Emergency Services Activity and Temporary Detention Order (TDO) Exception Report Summary
 September 2014

Region	July	August	September	Total
Region 1	2	1	0	3
Region 2	3	1	12	16
Region 3	1	2	0	3
Region 4	4	2	1	7
Region 5	10	5	4	19
Region 6	0	2	2	4
Region 7	0	22	25	47
Total	20	35	44	99

Table 8. Transfers during temporary detention (corresponds with graph 8a, pg 10)

Region	July	August	September	Total
Region 1	5	2	4	11
Region 2	1	0	0	1
Region 3	0	1	0	1
Region 4	4	0	4	8
Region 5	4	2	3	9
Region 6	0	1	0	1
Region 7	0	0	1	1
Total	14	6	12	32

Table 9. State facility TDOs without ECOs (corresponds with graph 9a, pg 11)

Region	July	August	September	Total
Region 1	1	2	5	8
Region 2	0	1	7	8
Region 3	2	11	10	23
Region 4	1	1	2	4
Region 5	2	2	2	6
Region 6	3	2	7	12
Region 7	3	2	4	9
Total	12	21	37	70