

TITLE 3: HUMAN RESOURCES
DIVISION 2: HEALTH

§ 2516. Purpose of Commitment; Scope of Authority of Treating Facility.

(a) In all commitments or detentions of persons under this article, a primary purpose is to provide prompt and adequate treatment, consistent with a patient's rights. If treatment is not available for the mentally ill individual because of his condition and the person is a danger to self or others, commitment for the purpose of care and confinement is authorized. The director shall adopt rules and regulations that establish policy when and under what conditions the department will accept mentally ill persons who cannot benefit from treatment or for whom no treatment is available. Nothing in this section shall be construed to infringe on or lessen patient rights.

(b) An evaluation or treatment facility shall exercise independent medical and professional judgment in providing prompt and adequate treatment. If a person does not meet the standards for commitment pursuant to this article, or an order of involuntary commitment has lapsed, the person shall not be admitted voluntarily upon his own request unless the evaluation or treatment facility has and follows written procedures for realistically assessing whether the person has or lacks the capacity to consent to treatment.

(c) In connection with its independent judgment or in reliance on the least restrictive alternative principle, an evaluation or treatment facility may allow a patient who is involuntarily civilly committed privileges including passes and release conditioned upon outpatient care. Such privileges shall be identified in the patient's medical records.

(d) The attending physician in charge of an evaluation or treatment facility, or his designee, shall be authorized to direct a peace officer or any official or employee of the facility to take into custody and return a patient under involuntary civil commitment pursuant to this article who has left the facility or failed to comply with reasonable conditional release requirements.

Source: PL 8-36, § 18, modified.

Commission Comment: With respect to the reference to the "director" of the Department of Public Health and Environmental Services, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.