

TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE

CRITERIA FOR DEVELOPING A PROCEDURE FOR REPORTING UNAUTHORIZED DEPARTURES, A CONSENT TO RELEASE INFORMATION FORM, AND POLICIES & PROCEDURES REGARDING PASSES & FURLOUGHS.

Emergency Detentions and Commitments

- _____ A. There is a procedure for reporting unauthorized departures to the referring courts which complies with the following criteria:
- _____ 1. The procedure specifies that disclosure is made only to those individuals within the judicial system who have a need for the information in connection with their duty to monitor the patient's progress.
 - _____ 2. Consent to release information is obtained at the time of admission so that unauthorized departures may be reported to the referring courts.
 - _____ 3. The consent form must state the period during which it remains in effect.
 - _____ 4. The consent to release information is obtained on a form that has been modified to state that the consent is revocable only after a specified period of time or a specified event. This is no later than the final disposition of the court action.
 - _____ 5. The procedure includes a method for notifying the person who receives the information that it can be redisclosed and used only to carry out that person's official duties with the regard to the court action.
- _____ B. Inpatient programs have a written policy regarding the use of passes and furloughs. If furloughs are permitted, there is a procedure for furloughs and revocation hearings that complies with the following criteria. If furloughs are not permitted, provide policy statement as such.
- _____ 1. The facility director may permit a client admitted to the facility under an order for inpatient services to leave the facility under a pass or furlough. A pass authorizes the client to leave the facility for not more than 72 hours. A furlough authorizes the client to leave for a longer period. The pass or furlough may be subject to specified conditions.
 - _____ 2. The facility director shall notify the court that issued the commitment order when a client is furloughed.
 - _____ 3. The facility director may secure the client's detention and return to the facility if:
 - a. the client is absent from the facility without permission;
 - b. the client has violated the terms of a pass or furlough;
 - c. the client's condition has deteriorated to the extent that his continued absence is inappropriate.

- _____ 4. The facility director may initiate the process by:
 - a. signing a certificate authorizing the client's detention and return; or
 - b. filing the certificate with a magistrate and requesting the magistrate to order the client's detention and return.

- _____ 5. The reason for the return from furlough shall be documented in the client's record.

- _____ 6. The facility director shall designate one or more administrative hearing officers to conduct administrative hearings concerning revocation of furloughs. The hearing officer may be a mental health or chemical dependency professional if the person is not directly involved in the client's treatment.

- _____ 7. An administrative hearing must be held within 72 hours of a client's return to the facility. The hearing shall be informal with both the facility staff and the client given the opportunity to present information and arguments. If the client desires, he or she may have a member of the staff act as advocate.

- _____ 8. The hearing officer shall determine within 24 hours of the hearing's conclusion whether the revocation is justified under the provisions listed above.

- _____ 9. The hearing officer shall document the decision in the client's record, including a written explanation of the reasons for the decision and the information on which the hearing officer relied.

- _____ 10. The client shall be permitted to leave the facility under furlough if the hearing officer determines that the furlough should not be revoked.