
ELMER Clinical Directive –Request for Jail Diversion

This directive is not intended to substitute for the clinical training needed to properly understand the collaborative model for providing jail diversion for individuals with serious mental illness or developmental disabilities who could be best provided treatment in the community rather than remain incarcerated. Please consult with your supervisor for specific questions related to your local law enforcement agencies and how to address any local concerns.

Definition- Law Enforcement- Refers to Law Enforcement, the Prosecutors Office, the Court, and/or other agencies involved in the diversion process.

Introduction- Five documents will record the CMHSP response to a pre or post booking request for Jail Diversion: Jail Diversion Screening, Jail Diversion Contact Note, Progress note, Crisis Intervention Note, and Preadmission Screening (PAS).

- **For an open consumer**, the primary clinician will be responsible for responding to the request for diversion and will use the Jail Diversion Contact note without needing to complete the Jail Diversion Screening form.
- **For an inmate who is not an open consumer**, the Jail Diversion Screening form is used to document the face to face screening done at the jail. It is used in place of a NorthCare Access screening to determine eligibility for CMHSP services. The Jail Diversion Screening will generally be completed by emergency services staff and therefore it is located in the ES menu. The Jail Diversion Contact note is completed to communicate with agencies involved in the diversion process.

1. Jail Diversion Screening:

Presenting Problem - there is a prompt “State alleged offense and address whether the person is a repeat offender”. You conduct a risk assessment not only for the individual but also for the community. The current alleged offense and the history of recidivism may have relevance for the CMHSP’s decision whether to support diversion or not. This narrative should be as specific as possible about the events that led to booking at the jail and how the inmate is doing now.

- You will not be sending a copy to Law Enforcement. What is critical is the reminder to have the inmate sign a Release of Information for the recommendations from the CMHSP to be shared Law Enforcement. Jail Diversion is a strictly voluntary process and the inmate must consent for information to be released between the two agencies.

Disposition/ Designation- Clinical Summary Narrative Box will outline the information in the screening to support the disposition you are proposing. The summary contains specific information supporting the diversion (or lack of support) based on information pertaining to serious mental illness, developmental disabilities or co-occurring disorders as well as any other factors that contribute to your recommendation.

Signatures. You will create a SAL for the screening that is reportable but not billable as it is an access service being provided at the jail.

- The End time needs to be completed to report the service.
- Contact Type –F:F; Attendance—Client Present; Location--Jail
- If indirect time has been incurred, please add to the SAL as that will be important for costing.
- In the authorization box, click the Look Up button and you will find the service code H0002QJ and select that.
- Enter your password to electronically sign.

Call NorthCare Access and notify them there is a Jail Diversion Screening to be reviewed. Access will determine eligibility.

Move to the Contact Note to complete the loop with Law Enforcement.

2. Jail Diversion Contact Note- A Consent must be completed to be able to release the contact note to support a diversion from jail. If the inmate does not want to release the information that needs to be stated and no other information released. The contact note is a simple summary of your findings to submit to law enforcement. A printed letter will be produced that can be mailed or faxed to the contact person requesting the screening. Information will not pull forward from the Jail Diversion Screening as this letter is not intended to be a formal mental health assessment. It is important to strike the correct balance between enough information to move forward with the diversion and not too much clinical or diagnostic information in this contact note.

The contact note may also be used to document jail diversion activities for someone not going to CMH. E.g. diversion efforts to get someone into SUD tx.

- **Narrative**

- Service date and time—all the time on this document will be indirect time and is important to record.
- Narrative— this is a required field. Provide a brief summary of clinical and legal information relevant in determining eligibility for community treatment rather than incarceration.
 - i. If the note is for a new person to the CMHSP system, you may copy and paste the clinical summary from the jail diversion screening into this narrative box.
 - ii. If the note is being written for an open consumer, there will be no jail diversion screen done. This narrative box should contain essentially the information you would have in the clinical summary on a jail diversion screen. Include symptoms, descriptions and other relevant information to support outcome/disposition.

- **Agency Coordination**

1. Fill in the date of the booking and the alleged offense. This is information you receive from the law enforcement agency requesting the diversion. This is critical information for reporting to the state.
- Recommendation - this should be simple and specific outlining the reasons for your determination of eligibility. This will be reviewed by the law enforcement contact as well as any verbal coordination of care shared by you to assist with the diversion decision.
 - i. NorthCare Access may have determined someone is eligible for services once they are out of jail in the jail diversion screening, however based on other information gathered, if you do not feel it is appropriate you do not have to recommend jail diversion.
 - ii. Remember –the decision as to whether to divert is a legal decision, not one the CMHSP will make.
 - Then hit “save” and you will go back to the page where you can then print or fax the Notice for the law enforcement contact, (not to be confused with a Notice of Action), or you may send the contact note. It is critical the Notice be entered into the disclosure log by medical records. Since you are not using the “Send Copy to” function that routes to Medical records, you must forward a copy of the Notice

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to Medical records requesting they scan it into the medical record as an attachment to the contact note. Medical records will then document the release of the Notice in the disclosure log.

- You are done with the contact note for now until you get a response from your contact who will provide you with the information needed to complete the note.
- **Court Disposition**
 - This section will be completed after you receive law enforcement’s decision regarding diversion. You check either denied and the date denied or approved, and the date approved. Or, there is the option for communication only.
 - Communication only radial button can be used to complete the note with no decision and to document all of the conversations that have happened.
 - If documenting communication only with law enforcement, and there is frequent back and forth communication, staff may wait until the communication is finished and document all in one note before signing.
 - The conditions of diversion is a critical area to complete as this will guide the CMHSP’s role in reporting to law enforcement any other stipulations of diversion.
 - There is an attachment function that will allow you to scan any documents from law enforcement to this form.
 - Reports pull off this field.
- **Send copy to-** same functionality as other documents in ELMER. Remember “Send Copy to” function does not route documents until they are signed. Therefore, this cannot be used to notify Medical Records to send out the Jail Notice to law enforcement. You may also send the contact note itself if necessary. The Jail Diversion Screening will not be sent.
- **Signatures**
 - The SAL will be filled out as an indirect service with Contact type: Consultation/ Support; Attendance Staff only; and Place of Service: Office.
 - You do not need to capture indirect time as that will be redundant as the note is coded with an indirect service code that will capture that the individual is incarcerated as well.
 - Authorizations—you will click on the look up function and will have the option of a specific indirect code (INDQJ) to this document. Select that code.
 - Then electronically sign the document.

3. Progress Note, Crisis Note, and Preadmission Screening

- In FY19 check boxes for pre and post booking were added on the regular progress note and crisis intervention note in the chart.
 - This was added to better reflect pre-diversion work staff may do with open consumers who may have ended up in jail if staff hadn’t intervened on their behalf.
- Both the progress notes and Preadmission screening boxes will pull into ELMER Jail Diversion Reporting.

4. Other Circumstances

- Mental Health Court
 - Mental Health Court is considered jail diversion.
 - If attending MHC routinely and discussing multiple consumers; a Jail Diversion Contact Note should be entered when there is indication that Jail Diversion is being considered for the person. Any communication regarding that person prior

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to jail diversion being discussed as an option should not be indicated as jail diversion activity.

- If the person is not already open, complete the Jail Diversion Screening as noted above.
- Community Providers
 - If the jail diversion is to community providers, this is considered Jail Diversion. As the consumer is not being opened to the CMH, other than for monitoring, the Jail Diversion Contact Note should be used. If they want CMH services, the jail diversion screening should be completed.
 - CMH staff will be responsible for monitoring the consumer, like an AOT.

If individuals are identified as having a mental health concern while in jail and then receives a reduction in jail days to be diverted to treatment, we would consider that to be jail diversion.