

UTAH STATE HOSPITAL FORENSIC MENTAL HEALTH FACILITY

Services

The Utah State Hospital Forensic Mental Health Facility is a secure treatment facility. The facility has four treatment units and provides services to court-ordered defendants who are mentally ill. Each treatment unit has its own management team which consists of a psychiatrist, administrative director and unit nurse director. Other clinical staff include: social workers, LPN's, recreational therapists, occupational therapists, and psychiatric technicians. Treatment programs on all four units include both medical and psychiatric services.

Admission Process

Defendants are admitted to the Forensic Mental Health Facility through the following process:

1. Court order for treatment is mailed, e-mailed or faxed to Steve Phair, Don Rosenbaum or Danette Faretta-Brady.
2. Steve Phair will contact Courts, attorneys, or others to gather information (discovery, evaluations, criminal history, etc).
3. Steve Phair will then contact the defendant if out on own recognizance or the agency holding the defendant to arrange admission.
4. Due to the waiting list there may be a delay in defendant's being admitted quickly. The hospital maintains contact with the courts, attorneys and jails while defendant is waiting to be admitted.

If a defendant arrives at the Forensic Mental Health Facility without prior arrangements having been made, the defendant will not be admitted.

Due to Administrative Rule 525-8, once capacity in the Forensic Mental Health Facility is met, no other person may be admitted until a bed becomes available.

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**UTAH STATE HOSPITAL
PROTOCOL FOR LIMITING AND PRIORITIZING ADMISSION
TO THE
UTAH STATE HOSPITAL FORENSIC MENTAL HEALTH FACILITY**

1. When the Forensic Mental Health Facility patient census reaches capacity, patients will not be admitted until a bed becomes available.
 - 1.1 Every effort is made to keep one bed open for an emergency admission.
2. The Forensic Services Director notifies the State Court Administrator/designee and other referring agencies (i.e., transportation officers), when capacity is met and beds are not available.
3. The Forensic Administration maintains a log of all defendants who are not admitted and the specific reason the admission was delayed.
 - 3.1 A log is maintained to track defendants on the waiting list.
4. When Forensic census is near capacity, Forensic Unit administrators contact the USH's ADT office to transfer civilly committed patients, if any, to adult mental health units.
5. When bed space becomes an issue, the Forensic Services Director works with referring agencies and the Division of Substance Abuse and Mental Health to have evaluations completed in jails.
 - 5.1 Considerations for evaluations to be completed in jails are:
 - 5.1.1 bed capacity;
 - 5.2.1 severity of crime (i.e., misdemeanor or felony); and
 - 5.3.1 severity of reported mental illness of defendant and related treatment being received in jail.
6. The Forensic Services Director notifies all appropriate agencies when bed space becomes available and the waiting list is resolved.
7. Referrals to the Forensic Mental Health Facility are prioritized as follows:
 - 7.1 Not Guilty by Reason of Insanity. UCA 77-16a-302.
 - 7.2 Not Competent to Proceed. UCA 77-15-6.
 - 7.3 Guilty and Mentally Ill. UCA 77-16A-202.
 - 7.4 Prison Transfers and/or Court Ordered Evaluations. UCA 62A-15-610 (2)(f)(g)

7.4.1 Prison Transfers and/or Court Ordered Evaluation referrals are screened on a case-by-case basis. The following are considered when determining whether to admit: 1) severity of mental illness; 2) dangerousness; 3) severity of charged offense(s); 4) DOC/Court concerns; and 5) bed capacity.

7.4.2 Court Ordered Evaluations include:
Competency to Proceed Evaluation. UCA 77-15-2.
Insanity or Diminished Capacity Evaluation. UCA 77-14-4.
Guilty and Mentally Ill Evaluation. UCA 77-16a-103.

7.4.3 Prison Transfers are facilitated through the process outlined in the "Utah State Hospital: Transfer of Prison Inmates" policy and in accordance with UCA 16A-15-605.5.

7.4.1.1 Based upon an agreement of October 6, 2005, the Utah State Hospital has designated two beds in the forensic facility for inmates of the Department of Corrections who are severely mentally ill and who meet admission criteria.

7.5 Stipulation of Probation. UCA 77-18-1(13).

7.6 In-Hospital Civil Transfer. UCA 62A-15-902(2)(a)(v).

8. The Utah State Hospital Forensic Mental Health Facility houses up to eight patients that have been determined and classified as potential DSPD candidates.
9. Utah State Hospital Forensic Services Director may negotiate priority of admissions, taking into account court concerns, severity of crimes, dangerousness to self and/or others, severity of mental illness, and recommendations from the Forensic Mental Health Coordinating Council and Board of Pardons.

Utah Administrative Code

The Utah Administrative Code is the body of all effective administrative rules as compiled and organized by the Division of Administrative Rules (Subsection 63G-3-102(5); see also Sections 63G-3-701 and 702).

NOTE: For a list of rules that have been made effective since July 1, 2012, please see the codification segue page.

NOTE TO RULEFILING AGENCIES: Use the RTF version for submitting rule changes.

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Rule R525-8. Forensic Mental Health Facility.

As in effect on July 1, 2012

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R525-8-1. Authority and Purpose.

(1) This rule is adopted under the authority of Section 62A-15-606.

(2) The purpose of this rule is to explain the allocation of beds for the Forensic Mental Health Facility at the Utah State Hospital.

R525-8-2. Forensic Mental Health Facility.

(1) Pursuant to the requirements of Section 62A-15-902(2)(c), the forensic mental health facility allocates beds to serve the following categories:

(a) prison inmates displaying mental illness, as defined in Section 62A-15-602, necessitating treatment in a secure mental health facility;

(b) criminally adjudicated persons found guilty and mentally ill or undergoing evaluation for mental illness under Title 77, Chapter 16a;

(c) criminally adjudicated persons found guilty and mentally ill or undergoing evaluation for mental illness under Title 77, Chapter 16a, who are also mentally retarded;

(d) persons found by a court to be incompetent to proceed in accordance with Title 77, Chapter 15, or not guilty by reason of insanity under Title 77, Chapter 14; and

(e) persons who are civilly committed to the custody of a local mental health authority in accordance with Title 62A, Chapter 15, Part 6, and who may not be properly supervised by the Utah State Hospital because of a lack of necessary security, as determined by the superintendent or his designee.

(2) Additionally, the beds serve the following categories:

(a) persons undergoing an evaluation to determine competency to proceed under Title 77, Chapter 15; and

(b) persons committed to the state hospital as a condition of probation under Subsection 77-18-1(13).

R525-8-3. Bed Allocation.

Beds are allocated based on current psychiatric need and legal status. Highest priority shall be given to those cases which are specifically required to be admitted to the Utah State Hospital by Utah law.

R525-8-4. No Admission Because of Capacity.

When capacity in the forensic mental health facility has been met, the hospital shall not admit any persons to the forensic mental health facility until a bed becomes available. In such an event the hospital will work cooperatively with the court to find a resolution.

KEY

forensic, mental health, facilities

Date of Enactment or Last Substantive Amendment

February 21, 2012

Notice of Continuation

April 26, 2011

Authorizing, Implemented, or Interpreted Law

62A-15-902(2)(c); 62A-15-606

Rule converted into HTML by the Division of Administrative Rules.

For questions regarding the *content* or *application* of rules under Title R525, please contact the promulgating agency (Human Services, Substance Abuse and Mental Health, State Hospital). A list of agencies with links to their homepages is available at <http://www.utah.gov/government/agencylist.html> or from <http://www.rules.utah.gov/contact/agencycontacts.htm>.

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Substance Abuse and
Mental Health Act
Section 901

Establishment.

62A-15-901. Establishment.

The Utah Forensic Mental Health Facility is hereby established and shall be located on state land on the campus of the Utah State Hospital in Provo, Utah County.

Renumbered and Amended by Chapter 8, 2002 Special Session 5

Substance Abuse
and Mental
Health Act
Section 902

Design and operation -- Security.

62A-15-902. Design and operation -- Security.

- (1) The forensic mental health facility is a secure treatment facility.
- (2) (a) The forensic mental health facility accommodates the following populations:
 - (i) prison inmates displaying mental illness, as defined in Section **62A-15-602**, necessitating treatment in a secure mental health facility;
 - (ii) criminally adjudicated persons found guilty with a mental illness or guilty with a mental illness at the time of the offense undergoing evaluation for mental illness under Title 77, Chapter 16a, Commitment and Treatment of Persons with a Mental Illness;
 - (iii) criminally adjudicated persons undergoing evaluation for competency or found guilty with a mental illness or guilty with a mental illness at the time of the offense under Title 77, Chapter 16a, Commitment and Treatment of Persons with a Mental Illness, who also have an intellectual disability;
 - (iv) persons undergoing evaluation for competency or found by a court to be incompetent to proceed in accordance with Title 77, Chapter 15, Inquiry into Sanity of Defendant, or not guilty by reason of insanity under Title 77, Chapter 14, Defenses;
 - (v) persons who are civilly committed to the custody of a local mental health authority in accordance with Title 62A, Chapter 15, Part 6, Utah State Hospital and Other Mental Health Facilities, and who may not be properly supervised by the Utah State Hospital because of a lack of necessary security, as determined by the superintendent or the superintendent's designee; and
 - (vi) persons ordered to commit themselves to the custody of the Division of Substance Abuse and Mental Health for treatment at the Utah State Hospital as a condition of probation or stay of sentence pursuant to Title 77, Chapter 18, The Judgment.
- (b) Placement of an offender in the forensic mental health facility under any category described in Subsection (2)(a)(ii), (iii), (iv), or (vi) shall be made on the basis of the offender's status as established by the court at the time of adjudication.
- (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules providing for the allocation of beds to the categories described in Subsection (2)(a).
- (3) The department shall:
 - (a) own and operate the forensic mental health facility;
 - (b) provide and supervise administrative and clinical staff; and
 - (c) provide security staff who are trained as psychiatric technicians.

(4) Pursuant to Subsection **62A-15-603**(3) the executive director shall designate individuals to perform security functions for the state hospital.

Amended by Chapter 366, 2011 General Session

Admission of person in custody of Department of Corrections to state hospital -- Retransfer of person to Department of Corrections.

62A-15-605.5. Admission of person in custody of Department of Corrections to state hospital -- Retransfer of person to Department of Corrections.

(1) The executive director of the Department of Corrections may request the director to admit a person who is in the custody of the Department of Corrections to the state hospital, if the clinical director within the Department of Corrections finds that the inmate has mentally deteriorated to the point that admission to the state hospital is necessary to ensure adequate mental health treatment. In determining whether that inmate should be placed in the state hospital, the director of the division shall consider:

- (a) the mental health treatment needs of the inmate;
- (b) the treatment programs available at the state hospital; and
- (c) whether the inmate meets the requirements of Subsection **62A-15-610(2)**.

(2) If the director denies the admission of an inmate as requested by the clinical director within the Department of Corrections, the Board of Pardons and Parole shall determine whether the inmate will be admitted to the state hospital. The Board of Pardons and Parole shall consider:

- (a) the mental health treatment needs of the inmate;
- (b) the treatment programs available at the state hospital; and
- (c) whether the inmate meets the requirements of Subsection **62A-15-610(2)**.

(3) The state hospital shall receive any person in the custody of the Department of Corrections when ordered by either the director or the Board of Pardons and Parole, pursuant to Subsection (1) or (2). Any person so transferred to the state hospital shall remain in the custody of the Department of Corrections, and the state hospital shall act solely as the agent of the Department of Corrections.

(4) Inmates transferred to the state hospital pursuant to this section shall be transferred back to the Department of Corrections through negotiations between the director and the director of the Department of Corrections. If agreement between the director and the director of the Department of Corrections cannot be reached, the Board of Pardons and Parole shall have final authority in determining whether a person will be transferred back to the Department of Corrections. In making that determination, that board shall consider:

- (a) the mental health treatment needs of the inmate;
- (b) the treatment programs available at the state hospital;
- (c) whether the person continues to meet the requirements of Subsection **62A-15-610(2)**;
- (d) the ability of the state hospital to provide adequate treatment to the person, as well as safety and security to the public; and
- (e) whether, in the opinion of the director, in consultation with the clinical director of the state hospital, the person's treatment needs have been met.

Objectives of state hospital and other facilities -- Persons who may be admitted to state hospital.

62A-15-610. Objectives of state hospital and other facilities -- Persons who may be admitted to state hospital.

(1) The objectives of the state hospital and other mental health facilities shall be to care for all persons within this state who are subject to the provisions of this chapter; and to furnish them with the proper attendance, medical treatment, seclusion, rest, restraint, amusement, occupation, and support that is conducive to their physical and mental well-being.

(2) Only the following persons may be admitted to the state hospital:

(a) persons 18 years of age and older who meet the criteria necessary for commitment under this part and who have severe mental disorders for whom no appropriate, less restrictive treatment alternative is available;

(b) persons under 18 years of age who meet the criteria necessary for commitment under Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health, and for whom no less restrictive alternative is available;

(c) persons adjudicated and found to be guilty with a mental illness under Title 77, Chapter 16a, Commitment and Treatment of Persons with a Mental Illness;

(d) persons adjudicated and found to be not guilty by reason of insanity who are under a subsequent commitment order because they have a mental illness and are a danger to themselves or others, under Section **77-16a-302**;

(e) persons found incompetent to proceed under Section **77-15-6**;

(f) persons who require an examination under Title 77, Utah Code of Criminal Procedure; and

(g) persons in the custody of the Department of Corrections, admitted in accordance with Section **62A-15-605.5**, giving priority to those persons with severe mental disorders.

Forensic Mental Health Coordinating Council -- Establishment and purpose.

62A-15-605. Forensic Mental Health Coordinating Council -- Establishment and purpose.

(1) There is established the Forensic Mental Health Coordinating Council composed of the following members:

- (a) the director or the director's appointee;
- (b) the superintendent of the state hospital or the superintendent's appointee;
- (c) the executive director of the Department of Corrections or the executive director's appointee;
- (d) a member of the Board of Pardons and Parole or its appointee;
- (e) the attorney general or the attorney general's appointee;
- (f) the director of the Division of Services for People with Disabilities or the director's appointee;
- (g) the director of the Division of Juvenile Justice Services or the director's appointee;
- (h) the director of the Commission on Criminal and Juvenile Justice or the director's appointee;
- (i) the state court administrator or the administrator's appointee;
- (j) the state juvenile court administrator or the administrator's appointee;
- (k) a representative from a local mental health authority or an organization, excluding the state hospital that provides mental health services under contract with the Division of Substance Abuse and Mental Health or a local mental health authority, as appointed by the director of the division;
- (l) the executive director of the Governor's Council for People with Disabilities or the director's appointee; and
- (m) other persons as appointed by the members described in Subsections (1)(a) through (l).

(2) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section **63A-3-106**;
- (b) Section **63A-3-107**; and
- (c) rules made by the Division of Finance pursuant to Sections **63A-3-106** and **63A-3-107**.

(3) The purpose of the Forensic Mental Health Coordinating Council is to:

- (a) advise the director regarding admissions to the state hospital of persons in the custody of the Department of Corrections;
- (b) develop policies for coordination between the division and the Department of Corrections;
- (c) advise the executive director of the Department of Corrections regarding issues of care for persons in the custody of the Department of Corrections who are mentally ill;
- (d) promote communication between and coordination among all agencies dealing with persons with an intellectual disability or mental illness who become involved in the civil commitment system or in the criminal or juvenile justice system;
- (e) study, evaluate, and recommend changes to laws and procedures relating to persons with an intellectual disability or mental illness who become involved in the civil commitment system or in the criminal or juvenile justice system;
- (f) identify and promote the implementation of specific policies and programs to deal

fairly and efficiently with persons with an intellectual disability or mental illness who become involved in the civil commitment system or in the criminal or juvenile justice system; and

(g) promote judicial education relating to persons with an intellectual disability or mental illness who become involved in the civil commitment system or in the criminal or juvenile justice system.

Amended by Chapter 366, 2011 General Session