

# MANDATORY OUTPATIENT TREATMENT OPTIONS REXAMINED

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§ 37.2-817.01  
M.O.T. “all in one”

# ONE STEP AT A TIME

- A. Prior to ordering involuntary admission pursuant to § [37.2-817](#), a judge or special justice shall investigate and determine whether (i) mandatory outpatient treatment is appropriate as a less restrictive alternative to admission pursuant to subsection B or.....

# SLOW TRACK...



# Or the end...

- (ii) mandatory outpatient treatment following a period of inpatient treatment is appropriate pursuant to subsection C.
- C. Upon finding by clear and convincing evidence that, in addition to the findings described in subsection C of § [37.2-817](#), (i) the person has a history of lack of adherence to treatment for mental illness that has, at least twice within the past 36 months
- The period of mandatory outpatient treatment shall begin upon discharge of the person from involuntary inpatient treatment,

# Or subsection D

- ...any time prior to the discharge ... the person, the person's treating physician, a family member or personal representative of the person, or the (CSB) ...where the facility is located, ...where the person resides, ...where the person will receive treatment ... may file a motion ...

# So how do we get there???

- (a) ... mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future...
- (b) less restrictive alternatives to involuntary inpatient treatment that would offer an opportunity for improvement of his condition have been investigated  
.....
- (c) the person has the ability to adhere to the mandatory outpatient treatment plan, (d) the ordered treatment will be delivered on an outpatient basis by the community services board or designated provider to the person, .....
- Less restrictive alternatives shall not be determined to be appropriate unless the services are actually available in the community.
- The duration of mandatory outpatient treatment shall be determined by the court based on recommendations of the community services board but shall not exceed 180 days

# The Plan- Contents....

- Any order for mandatory outpatient treatment entered pursuant to subsection B shall include an initial mandatory outpatient treatment plan developed by the community services board that completed the preadmission screening report.
- (i) identify the specific services to be provided,
- (ii) identify the provider who has agreed to provide each service,
- (iii) describe the arrangements made for the initial in-person appointment or contact with each service provider, and
- (iv) include any other relevant information that may be available regarding the mandatory outpatient treatment ordered.
- The order shall require the community services board to monitor the implementation of the mandatory outpatient treatment plan and the person's progress and adherence to the initial mandatory outpatient treatment plan.



# Judicial Authorization for Treatment

If the community services board responsible ... determines that the services necessary for the treatment of the person's mental illness are not available or cannot be provided to the person... then

# Alternatives, alternatives...

File motion for rescission

...shall petition the court for rescission of  
the mandatory outpatient treatment order

...

# Transfer of case by Court

- The court may transfer jurisdiction of the case to the district court where the person resides at any time after the entry of the mandatory outpatient treatment order.

# Transfer of case by the Board

The community services board responsible for monitoring the person's progress and adherence to the comprehensive mandatory outpatient treatment plan shall remain responsible for monitoring the person's progress and adherence to the plan until the community services board serving the locality to which jurisdiction of the case has been transferred acknowledges the transfer and receipt of the order ...



*"Before we try assisted suicide, Mrs. Rose, let's give the aspirin a chance."*

# CSB Role and outcomes

- Increased client accountability for treatment
- Changes with time frame for initial MOT from 90-180 days
  - Benefit for treatment
- Decreased Inpatient readmission

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*"Never, ever, think outside the box."*