

Emergency Detention & Protection Guideline

INTRODUCTION

Wisconsin Statutes 51.15 (Emergency detention), 55.05 (Protective services), and 55.06 (Protective placement) allows for the involuntary detention of a patient by a law enforcement officer, for the transport of that patient to a medical facility or to protect that patient or others from imminent harm.

A competent person of legal age has the right to both refuse and consent to medical assessment, treatment, and transportation. However, if there is reason to believe that the patient is mentally ill*, developmentally disabled (suffering from the infirmities of aging or other like incapacities, and is so, totally incapable of providing for his or her own care or custody, as to create a substantial risk of serious harm to oneself or others), chemically dependent or intoxicated, then a law enforcement officer may take the patient into custody and transport him/her (or order him/her to be transported) to a medical facility for treatment.

GUIDELINE

1. Every time a patient is transported against his/her will for the above mentioned reasons, a Statement of Emergency Detention form must be completed. Law enforcement officials have this form.
2. If, after assessment, the patient is refusing treatment and transport and, in the judgment of the EMS crew, the patient requires further medical attention, but is incompetent and therefore incapable of giving informed consent or making an informed refusal, a Statement of Emergency Detention should be obtained from and completed by law enforcement personnel. The patient may then be transported against his/her will to an appropriate medical facility.
3. One copy of the form must be left with the receiving hospital.
4. The law enforcement officer must accompany the patient in the ambulance or follow the ambulance in a police vehicle.

SPECIAL NOTES

1. *Mentally ill includes those patients under the influence of their disease (eg: stroke, diabetes, Alzheimer's), and those under the influence of their injury (eg: head injury).
2. A law enforcement officer means any person who, by virtue of the person's office or public employment, is vested by law with a duty to maintain public order or to make arrests for crimes, while acting within the scope of the person's authority. Emergency medical personnel are not considered law enforcement personnel for the purposes of this statute.
3. An emergency detention order authorizes the transport of an incompetent person to a medical facility for further evaluation, not to exceed 72 hours, exclusive of Saturdays, Sundays, and holidays. It does not automatically commit the patient to a 72-hour hold.



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