



Texas Department of State Health Services
Health Facility Licensing Group
Information Sheet for Psychiatric Patients

You have come to or been brought to the emergency department for psychiatric evaluation. You may be feeling overwhelmed, angry, embarrassed, frightened, numb, or in a state of disbelief. You may feel that being in the ER is a mistake and you just want to leave. Most of all, you want to know what is going to happen next. This sheet provides information for people over 16 years of age about the ER process and the law.

Evaluations

Over the next few hours, you will have several evaluations. The triage nurse has probably already asked you questions and taken your vital signs. You will be asked several times about your current symptoms, what medications you have been prescribed and whether you are taking them. An ER doctor will probably ask you about your medical history, and run tests based on your responses and your vital signs to see if you have any medical conditions that affect your psychiatric evaluation (and perhaps to check your blood alcohol level).

After this, a social worker or other mental health professional will evaluate your current mental state. He or she will probably ask you if you wish to harm yourself or others, and whether you are able to return safely to the community. He or she may ask permission to talk to your relatives or friends, both to help in evaluating your current mental state and see if you have a safe place to go if you are discharged from the emergency department. **If you know of a place you can go safely, and/or people that can be with you and look out for you for a day or two, it may be helpful to tell the mental health evaluator about this.** If your doctor or therapist can be helpful, ask the ED social worker to contact them, even if it is after hours.

You should be told that anything you tell the evaluators is not necessarily confidential but will be used to decide whether you should be involuntarily detained. Even if you are not told, this is true.

Consent to Examination

You have the right to consent to or refuse any examination, either medical or psychiatric. As a patient, you do not have to provide samples of your blood or urine, and you may decline to answer any question(s). But you should know that blood tests and urine tests are sometimes helpful in identifying medical conditions causing symptoms that may appear to be psychiatric, and results from these tests can help doctors understand your symptoms better and decide on treatment. Also, deciding not to participate in these evaluations does not mean that you will be permitted to leave.

NOTE: There is an emergency exception where you can be forced to take psychiatric medication if you are an imminent danger to yourself or others. You can only be forced to accept medical care if you are “unconscious, unable to communicate, and suffering from what reasonably appears to be a life-threatening injury or illness AND immediate treatment is necessary to preserve life or health.” If you think your rights are being or have been violated, call Advocacy Inc (see phone number at end of this pamphlet) or ask to see the Hospital Ombudsman.

What about Medications?

You have a right to know the name of any medication that is offered to you, what it's used for, and what its side effects may be. You can refuse any medication offered to you.

If you are used to regularly taking a medication, and did not bring your prescription bottle with you, you should tell the triage nurse and anyone who examines you when your next scheduled dosages of medication are, and the name of your prescribing doctor or pharmacy. Sometimes you

will not be given your regular medication pending the results of tests, but if you need the medication and are not receiving it, ask for the charge nurse and request your regular medication.

What about Smoking?

If you are a smoker, you may not be allowed outside to smoke for some time. If you start feeling anxious about smoking, tell ED staff why you are anxious, and ask them to note it in your chart. Also ask them if they have nicotine patches or gum if you are not allowed to leave to smoke.

What about my Child, Job, or Pets?

Since you don't know how long you may be detained, you should try to make arrangements in case. The ER may not permit you to use a cell phone or have access to a pay phone. Try not to get too angry or stressed at staff: explain the situation and ask to make one or two short telephone calls. The social worker may be able to help with this.

WHAT HAPPENS NEXT

The ER has up to 12 hours to evaluate you if you are there under a warrant, and they can keep you for up to 48 hours. You may be detained during that time. You may also be transferred to the psychiatric unit of a hospital during this time, and you have to go. If the doctor decides you are at risk of seriously harming yourself or others, you can be held in the hospital another 72 hours. If you are detained longer than 48 hours, you will be assigned a lawyer. You can call a lawyer anytime before then as well (see phone number at the end of this sheet). You and the lawyer have a right to see the paperwork the doctor filled out to hold you.

NOTE: These two periods—48 hours and 72 hours—don't include Saturdays, Sundays, and legal holidays. So if you were brought to the ER on a Friday afternoon, the 48 hours isn't up until Tuesday.

Voluntary Hospitalization

If doctors decide they want to commit you to a hospital, they will probably ask you to sign yourself in voluntarily. If you agree, you cannot be committed.

Outpatient Appointment

Staff may be willing to discharge you if you are willing to go to an outpatient appointment soon. If you want to go home, it would be helpful to agree to go, and actually go, to an outpatient appointment, even if you don't think you need it.

Information about Your Rights

Advocacy, Inc.: 800-252-9108 (telephone answered between 8:30 a.m. – 5:00 p.m., Monday – Friday.) Also, you may ask to see the hospital ombudsman or customer services representative. This individual is not a lawyer and may not be fully versed in the law. You may also file a complaint against the hospital by contacting (888) 973-0022

Next Time You Are in a Psychiatric Crisis

Try contacting your Local Mental Health Authority. The crisis line for Austin Travis County Mental Health Authority is 512-472-4357