



Conditional Discharge: Your Rights

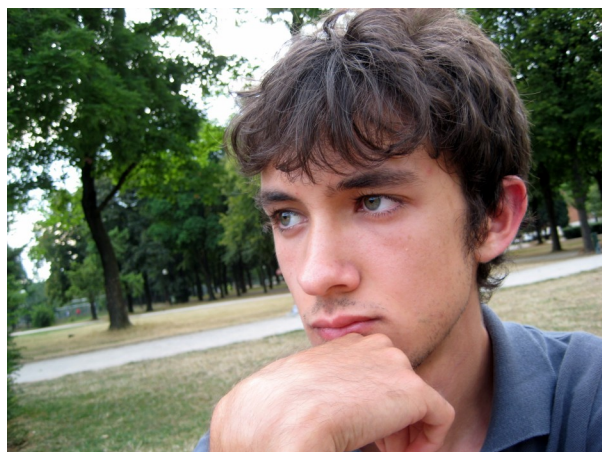
Disability Rights Center - NH

What is a conditional discharge?

When you have been committed to New Hampshire Hospital, the hospital may discharge you in one of two ways.

- **Absolute discharge:** your commitment order is terminated and you are released with no strings attached.
- **Conditional discharge.** With a conditional discharge, you must voluntarily agree to conditions in order to be discharged. These conditions often include that you will comply with treatment from the community mental health center (CMHC), take your medications, and come to appointments. If you don't follow the conditions, your conditional discharge may be revoked and you can be sent back to the hospital. The CMHC can go back to the

Probate Court to renew the commitment while you are out of the hospital in order to continue your conditional discharge. In order for the commitment to be extended the court would need to order this and you have a right to a hearing.



When and how can I be conditionally discharged?

In order to qualify for a conditional discharge:

- The treatment team must decide you don't need to be in the hospital but you do need ongoing care;
- The team must make a recommendation for conditional discharge;
- You must **understand** and **make an informed decision** agreeing to the conditions and terms of discharge, including any requirement for participation in continuing treatment on an outpatient basis.

What is the conditional discharge process?

- The team, including the recommending psychiatrist and a representative of the CMHC, must hold a meeting. Participate in the team meeting and speak up for what you want! At the meeting, the team must decide if you still need mental health treatment and supervision, and that treatment can be provided by the CMHC in the community. The team must adopt a recommendation for conditional discharge, and **YOU**, hospital staff, and the mental health center representative must agree to the conditions and terms of discharge. Your participation is essential!

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- The CMHC administrator must appoint a case manager for you and certify that the CMHC will provide supervision and mental health services.
- The hospital must tell you the terms and conditions of discharge, and the reasons and process that must be used if the CMHC wants to revoke your conditional discharge.
- **You** must make an **informed decision** and agree to the terms and conditions. If you do not agree the hospital can deny a discharge or work with you to create conditions that are agreeable to you, the CMHC, and the hospital. You may also appeal the team's decision if you do not agree with the conditions they are requiring.

Can I ask that the conditions be revised?

Once a conditional discharge is in place, the conditions may be revised. If you are dissatisfied with the conditions, **you** can propose changes. The CMHC or the hospital may also propose revisions.

- Make your proposal in writing and give copies to the other parties.
- The CMHC must convene a team meeting to review your proposal, whether or not it agrees with the proposal.
- Any changes to the conditions must be in writing, approved by a CMHC psychiatrist, and **you** must give your **informed consent**.

Can I ask that the conditions be revised?

Yes

When your Conditional Discharge is revoked

If the CMHC psychiatrist or A.R.N.P. thinks you have violated the conditions, or that you are a danger to yourself or others, it can temporarily revoke your conditional discharge and send you back to the hospital.

The CMHC must first evaluate you to determine whether you meet the criteria to have your conditional discharge revoked. The CMHC must provide written notice to you requiring that you submit to an evaluation before it can conduct the evaluation, telling you specifically what conditions it believes you violated. If you refuse to consent, the CMHC may have you taken into custody and brought in for the examination.

If the CMHC revokes your conditional discharge, it must tell you the specific reasons for the revocation. The CMHC can then have a police officer take you to the hospital. Once you are there, the hospital must conduct a mental status exam and review the reasons for temporary revocation within 72 hours of your arrival. The hospital will absolutely revoke the conditional discharge if they decide you have either violated a condition of discharge, or are likely to be a danger to self or others.

If you DO NOT meet the criteria for absolute revocation, then the hospital must return you to your community where you are still subject to the conditional discharge. If you DO meet the criteria, then the hospital must revoke the conditional discharge and keep you.

Upon absolute revocation, the hospital must immediately provide you with written notice of the revocation, the reason for revocation, and notice of the right to appeal. You will then be subject to the terms of involuntary admission for which you were committed by court order.

A conditional discharge may also be absolutely revoked when a person is brought to the hospital on an IEA rather than after temporary revocation.

You have the right to appeal

You may appeal the absolute revocation of a conditional discharge.

- You must appeal in writing
- In the notice, say whether you want:
 - Either a hearing or a review;
 - A lawyer. It is a good idea to have a lawyer.

Once you make your request, the Appeals Unit has five days to conduct the hearing or review. After the hearing or review is completed, you must get a final decision within three days on whether the absolute revocation was appropriate. It is the State's responsibility to show by clear and convincing evidence that the revocation was appropriate.

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If you have legal questions or concerns about your conditional discharge, or you believe your rights have been violated, call Disability Rights Center - NH at:

1-800-834-1721

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This brochure is not meant to be legal advice. For specific legal advice, talk to a lawyer.