

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 26, 2017 AGENDA ITEM NUMBER: 18

SUBJECT: RESOLUTION AUTHORIZING AND ADOPTING A PLAN FOR INVOLUNTARY COMMITMENT TRANSPORTATION SERVICES BY NOVANT HEALTH FORSYTH MEDICAL CENTER, NOVANT HEALTH KERNERSVILLE MEDICAL CENTER AND NOVANT HEALTH CLEMMONS MEDICAL CENTER HOSPITALS IN CONJUNCTION WITH THE FORSYTH COUNTY SHERIFF'S OFFICE (FORSYTH COUNTY SHERIFF'S OFFICE)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION: See Attached

ATTACHMENTS: Yes No

SIGNATURE: J. Dudley Watts, Jr. CMH
COUNTY MANAGER **DATE:** October 25, 2017

**RESOLUTION AUTHORIZING AND ADOPTING A PLAN FOR INVOLUNTARY
COMMITMENT TRANSPORTATION SERVICES BY NOVANT HEALTH FORSYTH
MEDICAL CENTER, NOVANT HEALTH KERNERSVILLE MEDICAL CENTER
AND NOVANT HEALTH CLEMMONS MEDICAL CENTER HOSPITALS IN
CONJUNCTION WITH THE FORSYTH COUNTY SHERIFF'S OFFICE
(FORSYTH COUNTY SHERIFF'S OFFICE)**

WHEREAS, pursuant to N.C.G.S. 122C-251(a), the County has the duty to provide, through its law enforcement officers, transportation services to support involuntary commitment proceedings of Article 5 of Chapter 122C of the North Carolina General Statutes for (i) residents of unincorporated Forsyth County, or (ii) residents taken into custody within unincorporated Forsyth County limits ("Transportation Services"); and

WHEREAS, Forsyth Memorial Hospital, Inc. operates the following hospitals, Novant Health Forsyth Medical Center, Novant Health Kernersville Medical Center and Novant Health Clemmons Medical Center, including emergency departments within Forsyth County; and

WHEREAS, Novant Health Forsyth Medical Center, Novant Health Kernersville Medical Center and Novant Health Clemmons Medical Center Hospitals and emergency departments receive mental health patients who are respondents in involuntary commitment proceedings pursuant to Article 5 of Chapter 122C of the North Carolina General Statutes and who require Transportation Services from time to time; and

WHEREAS, N.C.G.S. 122C-251(g) permits the Board of Commissioners to designate private agency personnel and adopt a plan to provide all or parts of the Transportation Services required under involuntary commitment proceeding, provided such designated persons are trained and the County's plan assures adequate safety and protection of both the public and the person transported, and further provided such designated persons shall comply with all applicable requirements of Article 5 of Chapter 122C; and

WHEREAS, Novant Health Forsyth Medical Center, Novant Health Kernersville Medical Center and Novant Health Clemmons Medical Center Hospitals have been approved to contract with G4S Secure Solutions (USA) Inc., an approved private provider of Transportation Services; and

WHEREAS, Novant Health Forsyth Medical Center, Novant Health Kernersville Medical Center and Novant Health Clemmons Medical Center Hospitals desire to enter into agreements with additional trained and certified private providers of Transportation Services to and from Novant Health Forsyth Medical Center, Novant Health Kernersville Medical Center and Novant Health Clemmons Medical Center Hospitals; and

WHEREAS, the agreements between Novant Health Forsyth Medical Center, Novant Health Kernersville Medical Center and Novant Health Clemmons Medical Center Hospitals and private providers for Transportation Services to involuntary commitment respondents must be consistent with the terms of the attached Policy and Plan as approved by the Forsyth County

Board of Commissioners; that provider personnel will receive Crisis Intervention Training; that providers will supply vehicles for the transportation of respondents; that providers will provide liability insurance (general liability coverage in the amount of \$2 million per occurrence/\$5 million in the aggregate per annum and excess/umbrella coverage in the amount of \$2 million per occurrence/\$5 million in the aggregate); that providers will comply with applicable law in the custody and transportation of residents; and that providers agree to indemnify and hold harmless the County of Forsyth and the Forsyth County Sheriff and his employees or agents, and does not create any agency or other relationship between the County, the Sheriff's Office, and such private provider; and

WHEREAS, under the said plan, the provision of Transportation Services from Novant Health Forsyth Medical Center, Novant Health Kernersville Medical Center and Novant Health Clemmons Medical Center Hospitals by private providers will be at no cost to Forsyth County; and

WHEREAS, the Forsyth County Sheriff's Office will continue to be responsible for providing transportation for forensic, violent, and high elopement risk involuntary commitment respondents and its related expenses;

NOW, THEREFORE, BE IT IS RESOLVED that the Forsyth County Board of Commissioners hereby authorizes and adopts a plan for Transportation Services of respondents in involuntary commitment proceedings by Novant Health Forsyth Medical Center, Novant Health Kernersville Medical Center and Novant Health Clemmons Medical Center Hospitals through private providers in conjunction with the Forsyth County Sheriff's Office consistent with the provisions herein.

Adopted this 26th day of October 2017.

FORSYTH COUNTY LOCAL PLAN FOR TRANSPORTATION OF FORSYTH COUNTY INVOLUNTARY MENTAL COMMITMENT RESPONDENTS

This Local Plan is prepared pursuant to the requirements set forth in N.C.G.S. 122C-294 (Local Plan), as well as N.C.G.S. 122C-251(g), for the adoption of a plan to provide all or parts of transportation services required under N.C.G.S. 122C-251.

A. SCOPE OF PLAN

It is the policy of Forsyth County to transport persons subject to involuntary mental commitments (Respondents) in conformity with the requirements set forth in N.C.G.S. 122C-251. This plan regarding transportation of Respondents applies to the Forsyth County Sheriff's Office (FCSO) and any contract transportation provider designated by the Forsyth County Board of Commissioners pursuant to N.C.G.S. 122C-251(g).

B. SERVICE OF INVOLUNTARY COMMITMENT ORDERS ON RESPONDENTS AND INITIAL CUSTODY MUST BE PERFORMED BY A LAW ENFORCEMENT OFFICER

The initial service of the Involuntary Commitment Order upon a Respondent and the initial custody of the Respondent shall be accomplished by a law enforcement officer pursuant to N.C.G.S. 122C-261(e). Once the Respondent has been committed to a 24-hour facility, transportation to and from that facility can be accomplished by a law enforcement officer or anyone authorized to provide transportation to involuntary commitment Respondents pursuant to N.C.G.S. 122C-251(g).

C. TRANSPORTATION OF RESPONDENTS WITHIN FORSYTH COUNTY

Transportation of a Respondent within Forsyth County pursuant to involuntary commitment proceedings, including initial custody, medical and psychiatric evaluation, admission and discharge, shall be provided by the FCSO for a Respondent who (1) resides in, or (2) is taken into custody in Forsyth County, but outside the city limits of Winston-Salem, Kernersville, High Point or King. However, transportation after initial custody and evaluation can be performed by the FCSO or a contract transportation provider designated by Forsyth County pursuant to N.C.G.S. 122C-251(g).

D. TRANSPORTATION OF RESPONDENTS BETWEEN COUNTIES

Transportation between Forsyth County and other counties under involuntary commitment proceedings for admission of a Respondent taken into custody in Forsyth County to a 24-hour facility shall be provided by the FCSO or contract transportation providers designated by Forsyth County pursuant to N.C.G.S. 122C-251(g).

Transportation between counties under involuntary commitment proceedings for Respondents held in 24-hour facilities who have requested a change of venue for their District Court hearing shall be provided by the FCSO or contract transportation providers designated by Forsyth County pursuant to N.C.G.S. 122C-251(g) if the petition for involuntary commitment for the Respondent was initiated in Forsyth County.

Transportation between counties under involuntary commitment proceedings for discharge of a Respondent from a 24-hour facility shall be provided by the FCSO or contract transportation providers designated by Forsyth County pursuant to N.C.G.S. 122C-251(g) if the discharged Respondent is a resident of Forsyth

County. Nothing in this policy prevents a Respondent being discharged from a facility to use their own transportation at their own expense.

E. PROCEDURES FOR TRANSPORT OF RESPONDENTS

FCSO

The FCSO shall transport respondents as per the FCSO's Standard Operating Policies and Procedures (SOP's) 253, 403 and 591.

Contract transportation providers, designated by Forsyth County pursuant to N.C.G.S. 122C-251(g), shall transport respondents pursuant to their procedures consistent with N.C.G.S. 122C-251. Contract transportation providers designated by Forsyth County pursuant to N.C.G.S. 122C-251(g), to the extent possible, shall advise Respondents, when either taking them into custody or performing transport, that the Respondent is not under arrest, has not committed a crime, but is being transported to receive treatment for their own safety and that of others. It shall also be explained to the Respondent that it will be necessary, for the Respondent's safety and the safety of others, that the Respondent be handcuffed or otherwise restrained.

Contract

In providing transportation pursuant to this policy, contract transportation providers, designated by Forsyth County pursuant to N.C.G.S. 122C-251(g), may use reasonable force to restrain the Respondent if it appears necessary to protect themselves, the Respondent, or others. Contract transportation providers designated by Forsyth County pursuant to N.C.G.S. 122C-251(g) should carefully read the Involuntary Commitment Order and Petition or seek information from the committing facility to determine if the Respondent presents any danger of assault or escape during the transport. All Respondents being transported shall either be secured in a car or van cage, if available, or handcuffs and waist chains shall be used if there is no car or van cage. The transportation of Respondents may require the use of restraints other than, or in addition to, handcuffs and waist chains. Restraints used in these situations should restrain the Respondent securely, without causing injury.

In providing transportation of a Respondent there shall be a driver or attendant who is the same sex as the Respondent unless a family member of the respondent is allowed to accompany the Respondent in lieu of an attendant of the same sex as the Respondent.

F. COUNTY TRANSPORTATION PLAN PURSUANT TO N.C.G.S. 122C-251(g)

The FCSO or any person or firm contracted to provide transportation of involuntary commitment Respondents shall be subject to the terms of this plan and shall be trained pursuant to N.C.G.S. 122C-251(g) to assure adequate safety and protections for both the public and respondent.

The FCSO or a contract transportation provider, designated by Forsyth County pursuant to N.C.G.S. 122C-251(g) to provide transportation to involuntary commitment Respondents, shall provide the transportation and follow the procedures in this policy and appropriate statutes in Article 5, Chapter 122C of the North Carolina General Statutes.

Contract transportation providers designated by Forsyth County pursuant to N.C.G.S. 122C-251(g) shall agree to indemnify and hold harmless the County of Forsyth, the FCSO and its employees or agents and provide necessary insurance as required by the Forsyth County Risk Manager before performing transportation duties pursuant to said contract.