

FORSYTH COUNTY
INVOLUNTARY COMMITMENT TRANSPORTATION AGREEMENT

This Forsyth County Involuntary Commitment Transportation Agreement is made and entered into effective the _____ day of 2019, by and between Forsyth County, North Carolina, the City of Winston-Salem, North Carolina, the Town of Kernersville, North Carolina, Wake Forest University Baptist Medical Center, Novant Health, Inc., and Daymark Recovery Services, Inc.

WHEREAS North Carolina General Statute §122C-251 requires that a city or county provide transportation for respondents within a county under the involuntary commitment proceedings, including admission and discharge;

WHEREAS said statute further provides that the City of Winston-Salem (“City”) and Town of Kernersville (“Town”) are responsible for the transportation of respondents within Forsyth County (the “County”) who are residents of the City or Town, respectively, or are taken into custody in the City or Town limits and that the County is responsible for the transportation of respondents within the County who reside in the County, outside City and Town limits, applicable to the City of Winston-Salem and Town of Kernersville, or are taken into custody outside City or Town limits;

WHEREAS said statute further provides that the County also has the duty to provide transportation between counties for admission to a 24-hour facility for respondents taken into custody in the County;

WHEREAS North Carolina Session Law 2018-33, amending Section §122C-251(g), provides that the governing body of a city or county shall adopt a plan for the transportation of respondents in involuntary commitment proceedings and that private agency personnel may be designated to provide all or parts of the transportation required by said proceedings and that law enforcement, other affected agencies, and the area authority shall participate in the planning, and the plan must assure adequate safety and protections for both the public and the respondent;

WHEREAS such a plan has been developed with participation and collaboration from local law enforcement agencies, the area authority, Local Management Entities (LME)/ Managed Care Organizations (MCO) (and its successors) and other affected agencies, which include but are not limited to, the Forsyth County District Court Judges; Forsyth County Magistrates; Forsyth County Sheriff’s Office; the police departments of Winston-Salem and Kernersville; Wake Forest University Baptist Medical Center (“Wake Forest Baptist”); and Novant Health, Inc. (“Novant”);

WHEREAS Wake Forest Baptist and Novant, healthcare organizations with acute care facilities at various locations within the County, and their successors, have agreed to assist the Cities and County with their transportation responsibilities for some respondents within the County and between counties for admission to 24-hour facilities; and

WHEREAS Novant has separately entered into agreements with G4S Secure Solutions (USA), Inc., and its successor, to provide such transportation services for certain respondents (Forsyth County and Novant Health IVC Transportation Plan adopted October 26, 2017);

NOW, THEREFORE, Forsyth County by the Board of Commissioners and the City of Winston-Salem by its City Council and the Town of Kernersville through its Town Council all have resolved that the following plan for the transportation of respondents in involuntary commitment proceedings under Article 5 of Chapter 122C of the North Carolina General Statutes should be and therefore is hereby adopted:

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- A. This Agreement applies to the Forsyth County Sheriff's Office, the Winston-Salem Police Department, the Kernersville Police Department and any contract transportation provider designated by the Forsyth County Board of Commissioners pursuant to N.C.G.S. 122C-251(g), to become effective as of October 1, 2019.
- B. Consistent with the requirements of N.C.G.S. §122C-251*et seq.*, save and except as specifically set out below, the City/Town remains responsible for the transportation of respondents within the County who are residents of the City/Town or are taken into custody in the City/Town limits, and the County remains responsible for the transportation of respondents within the County who reside in the County outside City/Town limits or are taken into custody outside City/Town limits. The County also has the duty to provide transportation out of county for admission to a 24-hour facility for all Forsyth County respondents. Hospital personnel should contact Forsyth County Sheriff's Office Communications, rather than the magistrate, by telephone, (336) 727-2112 for Sheriff's Office Transports to a 24-hour facility. All other counties are responsible for their residents that require transportation from Forsyth County and may be required to transport their residents accordingly.
- C. "**Public Safety Personnel**", being the internal security staff of Wake Forest Baptist and Novant, (hereinafter referred to as "Public Safety Personnel"), and "**Patient Support Staff**", being employees of and provided by G4S Secure Solutions (USA), Inc., (hereinafter referred to as "Patient Support Staff") pursuant to the terms of its agreements with Novant are designated Private Agency Personnel per N.C.G.S. §122C-251(g)(2) (Public Safety Personnel and Patient Support Staff are hereinafter referred to collectively as "Private Agency Personnel") for the purpose of providing some of the transportation required by the involuntary commitment proceedings contained within Chapter 122C of the North Carolina General Statutes for respondents located at Wake Forest Baptist and Novant hospital facilities within Forsyth County, as more specifically described below.
- D. General Transportation Plan
1. Transports of respondents who are non-violent
If a respondent taken into custody by either the County or City is non-violent, non-aggressive and non-assaultive, that respondent will be transported to Daymark Recovery Services, Inc. ("Daymark") for a first examination. If a respondent being transported to Daymark at any time becomes violent, aggressive and/or assaultive, then the respondent will be transported to Wake Forest Baptist or Novant, rather than to Daymark.
 2. Transports of respondents from Novant Hospital facilities
 - a. Patient Support Staff from G4S Secure Solutions (USA) Inc., per the terms of its agreement with Novant hospital, will transport respondents located at Novant hospital facilities being admitted to a 24-hour facility when:
 - i. Hospital clinical staff have evaluated the Respondent's condition and travel considerations and determined that transportation by Patient Support Staff from G4S Secure Solutions (USA) Inc., is appropriate under the circumstances; and
 - ii. A Patient Support Staff member from G4S Secure Solutions (USA) Inc., is available to provide transportation services.
 - b. All other respondent transports from a Novant hospital facility in the County will be provided by the City or the County as appropriate per N.C.G.S. §122C-251*et seq.*,

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including but not limited to Respondent transportation needs that exceed the hospital facility's capability to meet.

3. Transports of respondents from Wake Forest Baptist Hospital facilities
 - a. Public Safety Personnel of Wake Forest Baptist hospital will transport respondents located at Wake Forest Baptist hospital being admitted to the 24-hour facility located at Wake Forest Baptist hospital facilities in the County. This is the *only* circumstance under which Public Safety Personnel of Wake Forest Baptist hospital will transport respondents.
 - b. All other respondent transports from a Wake Forest Baptist hospital facility in the County will be provided by the City or the County as appropriate per N.C.G.S. §122C-251*et seq.*, including but not limited to Respondent transportation needs that exceed the Hospital facility's capability to meet.
- E. Private Agency Personnel (pursuant to §122C-251(g)(2) *et seq.*, and as defined in section B, above):
 1. Must have a current basic life support certification.
 2. Must have a current Non-Violent Crisis Intervention Certification from the Crisis PreventionInstitute that is recertified on an annual basis.
 3. Must have a current and valid North Carolina driver's license.
 4. Will comply with the applicable accreditation standards of The Joint Commission and the Medicare Conditions of Participation.
 5. Will comply with the requirements of N.C.G.S. §122C-251*et seq.*, and N.C.G.S. §122C-202.2(a)(3) *et seq.*, including but not limited to:
 - a. To the extent feasible, dressing in plain clothes and using unmarked vehicles.
 - b. Advising respondents that they are not under arrest and have not committed a crime, but are being transported to receive treatment and for their own safety and that of others.
 - c. To the extent feasible, be the same gender as the respondent, or have an attendant who is the same gender as the respondent.
- F. Consistent with N.C.G.S. §122C-251(e), Law Enforcement Personnel may use reasonable force to restrain a respondent if it appears necessary to protect himself or herself, the respondent, or others. No law enforcement officer may be held criminally or civilly liable for assault, false imprisonment, or other torts or crimes on account of reasonable measures taken under the authority of Chapter 122C of the North Carolina General Statutes.
- G. If a clerk or magistrate is presented with an affidavit and petition from a layperson pursuant to N.C.G.S. §122C-261(a) and (b) (*i.e.*, the affiant and petitioner is not a physician or eligible psychologist or commitment examiner), and the clerk or magistrate finds reasonable grounds to believe the facts alleged in the affidavit are true and the respondent is probably mentally ill and either (i) dangerous to self or dangerous to others, or (ii) in need of treatment in order to prevent disability or deterioration that would predictably result in dangerousness, the clerk or magistrate shall issue an order to a law enforcement officer, or other any other designated person under §122C-251(g), to take the respondent into custody for an initial examination, per the requirements of N.C.G.S. §122C-263, by a physician or an eligible psychologist or commitment examiner. The clerk or magistrate shall not issue such an order based on an affidavit and petition from a layperson to Private Agency Personnel

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as said agency personnel, covered by this transportation agreement, are not authorized to transport per §122C-251(g)(2).

1. The law enforcement officer is responsible for taking the respondent into custody, serving the order on the respondent, completing the return of service, (*see attached IVC Supplement for return of service to be incorporated into the order by the magistrate*) and returning the order to the magistrate. Private Agency Personnel are not authorized to serve these orders on respondents. Public Safety Personnel at the appropriate facility, who have completed training in proper service and return of service, may however serve orders on respondents as explained in **Section F, 1 below**.
 2. The City or the County, as required by N.C.G.S. §122C-251, is responsible for transporting the respondent for the initial examination. Private Agency Personnel, by the terms of this Agreement, are not authorized to transport respondents for the initial examination.
 3. When the law enforcement officer presents the respondent to a Novant hospital or Wake Forest Baptist hospital (or successor), emergency department in the County for the examination by a physician or eligible psychologist or commitment examiner pursuant to N.C.G.S. §122C-263 *et seq.*;
 - a. If a physician, eligible psychologist, or other Commitment Examiner, as defined in N.C.G.S. 122C-3 (8a), is not immediately available, the respondent may be temporarily detained, under appropriate supervision, in said hospital, a private hospital, a general hospital, or in a State facility for the mentally ill, but not in a jail or other penal facility.
 - b. Other than in the circumstances referred to in subsection (a) above, the law enforcement officer may leave the respondent if the respondent will be left under appropriate supervision. Determining what is appropriate supervision will depend on the circumstances of each case. Factors to consider include: whether the respondent appears violent, whether he or she has a history of violence, the type of facility where respondent is being examined and, the personnel available to supervise the respondent. A law enforcement officer should use his or her best judgment and consult with facility staff in making this determination.
- H. If, however, per N.C.G.S. §122C-261(d), a clerk or magistrate is presented with an affidavit and petition recommending inpatient commitment from a physician or eligible psychologist or commitment examiner, at any Wake Forest Baptist or Novant hospital facility in the County about a respondent in one of these facilities, and the clerk or magistrate finds probable cause to believe that the respondent meets the criteria for inpatient commitment, then the clerk or magistrate shall issue an order for transportation to, or custody at, a 24-hour facility (a 24-hour mental health facility as designated under N.C.G.S. §122C-252).
1. The Clerk or Magistrate issuing such an order, has the authority to issue said order to Law Enforcement, Public Safety Personnel, or other designees approved for service upon the respondent.
 2. Public Safety Personnel at the appropriate facility, who have completed training in proper service and return of service, upon receipt of the custody order, will:

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- a. Notify the respondent that he/she is not under arrest and has not committed a crime but is being taken into custody to receive treatment and for the respondent's own safety and the safety of others.
 - b. Take the respondent into custody.
 - c. Complete and sign the appropriate portion of the custody order and return the order to the clerk or magistrate.
3. Patient Support Staff from G4S Secure Solutions (USA), Inc., are not authorized to serve orders on respondents.
 4. The respondent will be transported to a 24-hour facility as specified in *Section B above*.
- I. The Plan required and otherwise authorized by State law is adopted by the Forsyth County Board of Commissioners, for the purpose of improving behavioral health access, providing quicker transportation of respondents to 24-hour facilities, providing more orderly and efficient provision of mental health care, to lower confusion and delays in the administration of these services to the citizens of Forsyth County.

IN WITNESS WHEREOF, the authorized officials of the County and each Party have set their hands and seals as of the day and year first above written.

Forsyth County

City of Winston-Salem

Town of Kernersville

County Manager

City Manager

Town Manager

Wake Forest University Baptist Medical Center

Novant Health, Inc.

Daymark Recovery Services, Inc.