



Psychiatry & Behavioral Sciences Section – 2006

17 Involuntary Hospitalization in Russia and the USA: Similarities and Differences

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After attending this presentation, attendees will learn about the similarities and differences in Civil Commitment procedures in two countries with different legal and mental health systems and traditions.

This presentation will impact the forensic community and/or humanity by providing information to attendees about Civil Commitment procedures in countries with different legal and mental health systems.

Federal Law number 3185-1 "On psychiatric treatment and rights of citizens receiving it" was introduced in the Russian Federation for the first time in its history on July 2, 1992. Paragraph 4 guarantees voluntary psychiatric treatment "except for cases outlined by the law". The law, in turn, describes involuntary treatment in the following forms:

1. Involuntary psychiatric evaluation to determine the presence of mental illness, need for psychiatric help and determination of the help needed.
2. Involuntary psychiatric hospitalization.
3. Outpatient follow up.

The first two types of involuntary treatment are implemented if the patient presents with the evidence of serious psychiatric disorder signs of which are defined in commentaries to the Law and at least one of the following requirements is met:

- a. Danger to self or others.
- b. Helplessness
- c. Significant threat to health if psychiatric help is not provided. Both forms of involuntary treatment are implemented exclusively

with the permission of the court. If the patient requires involuntary hospitalization the court's permission is obtained after hospitalization takes place. (Not more than eight days after admission). The court hearing is conducted in the presence of the state prosecutor, representative of health care facility and the patient or his or her legal representative. The legal process is strictly regulated in regards to its timeliness. The law (paragraph 4 page 11) allows for treatment to be started prior to the court decision and immediately after involuntary hospitalization. Outpatient follow up (in psychiatric dispensary) is ordered, implemented and terminated without the court's involvement. Hospitalization without proper indications is a serious criminal offense.

Involuntary hospitalization procedures in the State of Illinois: Involuntary hospitalization procedures in the State of Illinois were selected for comparison with the outlined above legal regulations.

The Illinois Mental Health Code (405ILCS 5/3 "Admission, Transfer, and Discharge Procedures for the Mentally Ill" Section 3-400) allows for the hospital admission into a state mental health facility of any person 16 years or older upon application of the facility director, "if the facility director deems such person clinically suitable "for voluntary admission. Chapter III also describes two categories of involuntary hospitalization:

1. Emergency Admission by Certification
2. Admission by Court Order

Emergency admission by certification applies to any person 18 years and older who is "subject to involuntary admission and [is] in such a condition that immediate hospitalization is necessary for the protection of such person or others from physical harm." Admission by court order pertains to a person 18 years and older who is subject to involuntary admission. "Person subject to involuntary admission means":

"(1) A person with mental illness who because of his or her illness is reasonably expected to inflict serious physical harm upon himself or herself or another in the near future which may include threatening behavior or conduct that places another individual in reasonable expectation of being harmed; or

"(2) A person with mental illness and who because of his or her illness is unable to provide for his or her basic physical needs so as to guard himself or herself from serious harm without the assistance of family or outside help."

Emergency admission can be accomplished immediately with the appropriate petition, but the person cannot be held more than 24 hours without submission of a certificate. At the court hearing for involuntary hospitalization by court order, the person must be represented by counsel and is entitled to a jury, if requested. The person is expected to be present at the hearing unless the person's attorney requests that his presence be waived, and the court is satisfied by a clear showing that the respondent's attendance would subject him to substantial risk of serious physical or emotional harm." The initial court order is valid for up to 90 days, a second period for 90 days, and then 180 day periods of involuntary hospitalization can be sought thereafter, if criteria persist.

Involuntary administration of psychotropic medication is not authorized by involuntary hospitalization. Legal regulations specify criteria for emergency and court ordered medication, and these differ from the criteria for



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involuntary hospitalization. A treatment plan must be submitted to the court within 30 days of hospital admission, and again 90 days after admission and then every 90 days thereafter. Outpatient treatment and voluntary hospitalization at private or non-state operated facilities do not involve such court oversight.

This presentation will summarize similarities and differences of the Civil Commitment procedures in Russia and the USA.

Involuntary Hospitalization, Psychiatry, Civil Commitment