


Division of Substance Abuse and Mental Health
POLICY AND PROCEDURE

<u>POLICY TITLE:</u> Outpatient Treatment Over Objection	<u>POLICY #:</u> DSAMH008
<u>PREPARED BY:</u> DSAMH Policy Committee	<u>DATE ISSUED:</u> 07/19/2019
<u>RELATED POLICIES:</u> DSAMH031 EEU Involuntary Placement Process DSAMH033 EEU Red Flags Process	<u>REFERENCE:</u> http://delcode.delaware.gov/title16/c050/index.shtml https://dhss.delaware.gov/wp-content/uploads/sites/12/dsamh/pdf/Public_Provider_Directory_8.6.24.pdf http://dhss.delaware.gov/dhss/dsamh/treatment.html
<u>DATES REVIEWED:</u> 10/03/2022 08/30/2023 10/21/2024 11/06/2025	<u>DATES REVISED:</u> 08/10/2022 08/09/2023 08/21/2024 10/31/2025
<u>APPROVED BY:</u>  <small>1B71C05196B24CA...</small> <u>DATE APPROVED:</u> 11/10/2025 6:42 AM PST	<u>NOTES:</u> <input type="checkbox"/> DSAMH Internal Policy <input type="checkbox"/> DSAMH Operated Program <input checked="" type="checkbox"/> DSAMH State Providers <input type="checkbox"/> Delaware Psychiatric Center <input type="checkbox"/> Targeted Use Policy (Defined in scope)

I. PURPOSE:

It is the purpose of this policy to provide specific guidelines to providers contracted with the Division of Substance Abuse and Mental Health (DSAMH) on the requirements for treating clients on Outpatient Treatment Over Objection (OTOO).

II. POLICY STATEMENT:

It is the policy of DSAMH to require that designated contracted providers of services comply with the requirements for OTOO and Delaware's civil commitment process.

The court may involuntarily commit a client to OTOO if the client meets the eligibility criteria outlined in Delaware Code, Title 16, Chapter 50, Section 5013. DSAMH, through its contracted providers, is responsible for ensuring provision of services and supports to fully implement the OTOO.

III. DEFINITIONS:

"ACT" means Assertive Community Treatment, a certified level of care in the PROMISE program.

"ACT Plus" (formerly CRISP) means an enhanced ACT program that allows for additional services, a certified level of care in the PROMISE program.

“CBHOT” means Community Behavioral Health Outpatient Treatment

“ICM” means Intensive Case Management, a certified level of care in the PROMISE program.

“OTOO” means outpatient treatment over objection. Treatment may include medication and case management.

IV. SCOPE:

This policy applies to any psychiatric provider who provides court-ordered services to clients on OTOO.

V. PROCEDURES:

- A. Psychiatric hospitals shall refer clients who are ordered to OTOO to providers who are willing to fulfill all duties regarding OTOO court reporting. DSAMH contracts with providers to provide treatment and participate in the OTOO court proceedings
- B. Clients who are ordered to OTOO must be referred to an OTOO provider while in inpatient treatment at a psychiatric hospital. Prior to discharge, the client is referred to a community provider that accepts OTOO clients.
- C. DSAMH, through the Eligibility and Enrollment Unit (EEU) maintains a civil commitment list. When the EEU refers clients to providers, the EEU notifies the providers that the clients are on civil commitment.
- D. A client that is inpatient may be placed on OTOO and court-ordered to participate in PROMISE services, when presumptive eligibility criteria is met.
 1. If a client is being referred to PROMISE, a copy of the OTOO order from the court must be submitted with the application. This is especially important if the client refuses to sign the release of information.
 2. The EEU will complete the brief screen and submit the client’s information to the PROMISE Assessment Center for that county.
 3. Once the PROMISE assessment is completed and the EEU authorizes services for the appropriate level of care, EEU staff will also notify the provider of the OTOO status and the next hearing date.
- E. If a client is being referred to one of the CBHOTs:
 1. The inpatient psychiatric providers are responsible for scheduling the intake with the community provider. When the client is being referred, the inpatient psychiatric provider must notify the community provider via the approved electronic referral system. The referral must include the OTOO status, the next scheduled hearing, and any other required information including, but not limited to, name, date of birth, insurance status, address, phone number, and reason for admission.
 2. The inpatient psychiatric provider will make an intake appointment with a community provider within five (5) days of discharge. Prior to discharge, the inpatient psychiatric provider must give the client a written discharge summary. The summary must include the community provider’s contact information, date of appointment, and date of the OTOO hearing.

F. Community Provider's Responsibilities:

1. DSAMH-contracted provider will notify the court via DOJ (jodie.reilly@delaware.gov and angelal.williams@delaware.gov) and DSAMH EEU (DHSS_DSAMH_EEU_Placements@delaware.gov) if services are unavailable.
2. Community providers' psychiatrists are required to appear for OTOO clients, as mandated by court, regardless of the client's engagement in treatment.
3. If the client is not engaging in treatment and non-engagement has historically been witnessed and documented by the treating provider as leading to the client being a danger to self or others, the community provider is required to notify the court via DOJ for potential placement on the next available court calendar for an outpatient commitment hearing.

VI. **POLICY LIFESPAN:** This policy supersedes previous distributions of this policy as detailed in dates revised. This policy will be reviewed annually.

VII. **RESOURCES:** N/A