

Representing Patients in Certification Review Hearings - Preparation

Process of preparing for Cert Hearings

The day before the hearing, the advocate must:

1. Find your clients
 - a. Introduce yourself, explain your role as independent from the hospital.
 - b. Try to find place to have a private conversation.
 - c. Explain that the treatment team believes your client needs more time in hospital and ask client if he/she remembers getting served Notice of Certification.
 - d. Ask if client objects to staying longer, explain right to attend Certification Review Hearing and offer to represent the person. If client does not object to staying longer and seems able to discuss question of remaining voluntary, explore the possibility of advocating for voluntary status.
 - e. If client want to contest hold at hearing, discuss the process, explain legal criteria on the cert and explain what the hearing officer is likely to want to know.
 - f. Get permission to look in the chart.
 - g. Get permission to talk to family (if relevant).
 - h. Take any complaints you client reports.
2. Find the chart and review the record.
 - a. Check legal status for any due process violations.
 - b. Evaluate evidence and prepare to support the client's expressed interest.
 - c. If relevant, look in chart for evidence regarding any complaint the client may have made.
 - d. If important, speak with your client again to discuss any info found in the chart that needs clarifying.
3. Contact family members and interpreters and try to estimate correct times for them to arrive, based on estimates of the length of time it will take to complete hearings elsewhere.

On the day of the hearing PRAs must;

1. Arrive early and check to see if any 5150s have expired in the night and new certifications served. They must prepare those cases immediately.
2. Check in with each of his/her clients.
 - a. Remind their clients of who you are.
 - b. Make sure that the clients' positions have remained the same.
 - c. Let them know the estimated time of their hearing so that they can shower dress and otherwise prepare themselves.
 - d. Find out if they need anything before the hearings begin.
3. Find the chart and check any notes that have been written since they last reviewed the chart.
 - a. Look for discharge orders or voluntary orders.
 - b. Check for any incidences that may have occurred overnight.