



UNITED STATES MARINE CORPS

MARINE CORPS BASE

QUANTICO. VIRGINIA 22134-5001

MCBO 6520.1A

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MARINE CORPS BASE ORDER 6520.1A

From: Commander
To: Distribution List

Subj: COMMAND-DIRECTED REFERRALS FOR PSYCHOLOGICAL/
PSYCHIATRIC EVALUATIONS AND TREATMENT

Ref: (a) DoDD 6490.1
(b) DoDD 6490.4
(c) SECNAVINST 6320.24
(d) Section 546 of Public Law 102-484, 23 Oct 92
(e) Public Law 101-510, 5 Nov 90
(f) MCM, 1998, R.C.M. 706
(g) MCBO P5800.2

Encl: (1) Sample Notification of Mental Health Evaluation and
Patient Rights (Command-Directed Referral)
(2) Sample Notification of Mental Health Evaluation and
Patient Rights (Member's Acknowledgment)

1. Purpose. To disseminate information and instructions to area CO's and OIC's on the referral of active duty servicemembers for mental health evaluations and treatment at the Mental Health Department, Naval Medical Clinic (NMCL), Quantico. This implements references (a) through (g) at the local level.

2. Cancellation. MCBO 6520.1.

3. Summary of Revision. This Revision contains significant changes and should be reviewed in its entirety.

4. Types of Mental Health Referrals. Active duty servicemembers are seen for evaluation and treatment based on different types of referrals.

a. Self-Referrals. Active duty servicemembers may voluntarily self-refer for evaluation and treatment. This action is initiated by calling the Mental Health Department directly for an appointment, calling TRICARE for an appointment, or obtaining a consultation from the primary care physician.

b. Medical Referrals. Active duty servicemembers may be referred by medical staff in consultation for problems and symptoms requiring mental health intervention.

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c. Command Referrals. Whenever there is a question about a servicemember's fitness or suitability for duty, a command-directed referral is the appropriate course of action. References (a) through (e) apply specifically to these command-directed referrals.

d. Emergency Referrals. An emergent mental health evaluation is indicated when an active duty servicemember may be suicidal, homicidal, or psychotic. Psychotic refers to gross impairment in reality testing and is usually evidenced by the presence of hallucinations or delusions. These instructions do not in any way limit the CO or OIC in referring servicemembers for emergency mental health evaluations, when circumstances indicate the need for such action. See paragraph 10 for complete instructions on emergency referrals.

e. Competency to Stand Trial Referrals. Active duty servicemembers may be referred by a court-martial convening authority, judge, or military legal counsel for a determination on whether the servicemember has sufficient mental capacity to stand trial and/or whether he/she lacked mental responsibility at the time of the alleged offense.

5. Background Information. References (a) through (e) establish safeguards in the **command** referral of active duty servicemembers for mental health evaluations and hospitalization, especially if this action is involuntary on the part of the servicemember. These safeguards are designed to protect servicemembers from referrals that are made as reprisals for "whistleblowing," or disclosing information that may reveal flaws within the DoD. These references ensure that military personnel are advised of their rights regarding command-directed mental health referrals, establish procedures that provide protection for servicemembers, and prohibits the use of mental health referrals as reprisals.

6. CO/OIC Responsibilities in Command-Directed Referrals. Policy requires the following actions on the part of referring officials.

a. The CO/OIC will consult with a mental health professional **before** referring an active duty servicemember for routine (non-emergency) outpatient mental health evaluation. This helps to ensure the appropriateness of the referral.

b. The referring official will provide **written** notice of the referral to the servicemember (see enclosure (1)). This notice shall, at a minimum, include the following information:

(1) The date and time the mental health evaluation is scheduled.

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(2) A brief factual description of the behaviors and/or verbal expressions that caused the referring official to determine that a mental health evaluation was necessary.

(3) The name of the mental health provider with whom the referring official consulted before making the referral. If such consultation was not possible, the notice will explain the reasons for the referral.

(4) Advisement of a number of rights to meet with authorities who can assist, if a servicemember questions the referral. These include a military attorney, inspector general, chaplain, or other appropriate authority.

(5) The servicemember's signature attesting to receipt of the notice (see enclosure (2)). If the servicemember refuses to sign the notice, the CO or OIC will so indicate on the paperwork.

c. The CO/OIC shall forward copies of the written notice and servicemember's acknowledgment of receipt to the Mental Health Department, where an appointment will be scheduled and communicated through the Command to the servicemember. The CO/OIC is responsible for ensuring the servicemember keeps the appointment. The servicemember is required to bring his/her primary medical record and service record to the initial evaluation, as well as, to complete a personal questionnaire to obtain further history. The CO/OIC will also ensure the servicemember is afforded the rights outlined in references (a) through (e) and described in paragraph 6 below.

d. Upon receipt of a copy of the written report of the outpatient mental health evaluation, the CO/OIC shall make a written record of the actions taken and reasons for them. Whenever a mental health care provider recommends to an active duty servicemember's CO that the servicemember be separated from military service due to a personality disorder and a pattern of potentially dangerous behavior (more than one episode), that recommendation shall be co-signed by the mental health provider's co. If the servicemember's CO, in turn, declines to follow the recommendations of the medical treatment facility CO, the servicemember's CO shall forward a memorandum to his/her CO within two business days, explaining the decision to retain the servicemember against medical advice.

7. Servicemember Rights. An active duty servicemember who is command referred for mental health evaluation and treatment is afforded the following rights and may choose to exercise or waive all or part of them.

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a. The right to meet with a staff judge advocate or other attorney employed by the DoD, who is made available to advise the servicemember on avenues of redress.

b. The right to submit to the inspector general for investigation an allegation that the servicemember was referred for a mental health evaluation in violation of reference (a) or implementing directives.

c. The right to have a second mental health evaluation by a mental health professional of the servicemember's own choosing, provided such provider is reasonably available. Reasonably available means that the mental health professional, whether DoD employed or non-DoD employed, must be available to conduct the mental health evaluation within 10 business days. This second evaluation of the servicemember's own choosing will be at the servicemember's expense. The servicemember will not be charged for a DoD provider's evaluation; however, travel, per diem, and other ancillary costs would be at the servicemember's expense.

d. Except for emergencies, the servicemember shall have at least two business days before a scheduled mental health evaluation to meet with an attorney, inspector general, chaplain, or other appropriate authority.

8. Mental Health Professional Responsibilities. The Head, Mental Health Department, NMCL, Quantico, shall ensure the following actions are taken by staff members:

a. Provide timely consultation to referring officials on the appropriateness of mental health evaluation requests. Advise them of procedures for command-directed referrals.

b. Administratively screen active duty personnel referred for outpatient mental health evaluations to determine that appropriate procedures were followed in the referral process.

c. Advise servicemembers referred for evaluation of the purpose, nature, and potential outcomes, including administrative separation, medical board proceedings, or legal action. Clarify the limitations to confidentiality. If both evaluative and therapeutic roles are performed, inform the servicemember of a possible conflict with these roles and offer referral to another provider for ongoing therapy if requested by the servicemember.

d. Promptly submit to the inspector general, via the CO, NMCL, Quantico, any case where there is evidence that a mental health referral was made in violation of reference (a).

e. Conduct a thorough outpatient mental health evaluation. Make a written report of findings, including recommendations about proposed treatment, precautions, and fitness and suitability for continued service. Upon completion, place the original of the report in the active duty servicemember's primary medical record and promptly forward a copy to the referring official.

9. Exceptions to Reference (a) on Command Referrals. This Order does not apply to the following types of referrals:

a. Patient self-referrals (see paragraph 4a).

b. Medical referrals that are a function of routine diagnostic procedures made by health care providers not assigned to the servicemember's chain of command (see paragraph 4b).

c. Referrals to or from Family Advocacy Programs.

d. Referrals to or from drug and alcohol rehabilitation programs.

e. Referrals for routine evaluations as required by other DoD and SECNAV Regulations.

f. Referrals related to responsibility and competency inquiries conducted under reference (e).

g. Referrals for mental health evaluations required for special duties (i.e., security clearances, Operation Deep Freeze, etc).

10. Penalties for Violations of Reference (a). Any violation of this directive or its implementing instructions by military or DOD civilian personnel is punishable under the UCMJ and regulations governing civilian disciplinary or adverse actions.

11. Emergency Evaluations. Commanders who have information indicating that an active duty servicemember may, as a result of a mental disorder, be an imminent danger to self or others shall immediately refer the servicemember for evaluation. Such referral should not be delayed. Prior to transporting the servicemember for evaluation or shortly thereafter, if the time and nature of the emergency do not permit, the CO shall consult with a mental health care provider at the medical treatment facility to which the servicemember is transported. The purpose of this consultation shall be to communicate the circumstances and observations about the servicemember that led the CO to believe that an emergency

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assessment was needed. The CO shall forward a memorandum by facsimile or courier within 72 hours after the referral, with a copy to the servicemember, stating the reason for the emergency referral. Contact the Mental Health Department, NMCL, Quantico, at (703) 784-1779/1780 to arrange same-day evaluation of the servicemember during normal duty hours. After normal duty hours, contact the Primary Care Manager at (703) 784-1699 or 1-888-784-1802 for disposition or dial 911.

12. Competency to Stand Trial Referrals. Consultation with the Mental Health Department, NMCL, Quantico, will be undertaken on a case-by-case basis in regard to competency to stand trial referrals. This is necessary to ensure the availability of staff to provide the required services.

13. Any questions about referrals for mental health evaluation or treatment may be directed to the staff of the Mental Health Department, NMCL, Quantico.



R. P. ROOK
Chief of Staff

DISTRIBUTION: A

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SAMPLE NOTIFICATION OF MENTAL HEALTH EVALUATION
AND PATIENT RIGHTS (COMMAND-DIRECTED REFERRAL)

SSIC #
Ser #/
(date)

From: Commander, (command unit or activity)
To: (Servicemember being referred for mental health
evaluation)

Subj: NOTIFICATION OF MENTAL HEALTH EVALUATION AND PATIENT RIGHTS

Ref: (a) DoDD 6490.1
(b) SECNAVINST **6320.24**

1. You are being referred for a mental health evaluation. You are ordered to report to the Mental Health Department, Naval Medical Clinic, Quantico, Bldg. 2204, at (time/date) for the evaluation. You are to be in the uniform of the day and bring your primary medical record and service record with you.

2. The following is a description of your behaviors and/or verbal expressions which I considered in determining the need for a mental health evaluation: (description).

3. Before making this referral, the following mental health professional was consulted: (name and title).

4. Per references (a) and (b), you are advised of the following rights:

a. The right, upon your request, to meet with a staff judge advocate or other attorney employed by the DoD who is made available to advise you of the ways in which you may seek redress, if you question this referral.

b. The right to submit to the Inspector General (IG) for investigation an allegation that your referral for a mental health evaluation was a reprisal for making or attempting to make a lawful communication to a member of Congress, any appropriate authority in your chain of command, an IG, or other servicemember of an audit or that your referral was in violation of any other provision of references (a) or (b).

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c. The right to be evaluated by a mental health professional of your own choosing, provided such mental health professional is reasonably available. Reasonably available means that the mental health professional, either DoD employed or non-DoD employed, must be available to conduct the mental health evaluation within the next 10 business days. An evaluation by a mental health professional of your own choosing will be at your own expense. You will not be charged for a DoD mental health professional's fees or salary; however, travel, per diem, and other ancillary costs of a reasonably available DoD mental health professional will be at your own expense.

d. The right to lawfully communicate without restriction with an IG, attorney, member of Congress, or others about your referral for a mental health evaluation.

e. The right, except in emergencies, to have two business days to meet with an attorney, IG, chaplain, or other appropriate party before a scheduled mental health evaluation. If your condition requires the mental health evaluation to be conducted sooner, the reason will be stated in writing as part of the request for evaluation.

5. If there are any circumstances related to your military duties which make compliance with the above procedures impracticable, I will give you a copy of a memorandum setting forth the reasons for the inability to comply with such procedures.

6. If you feel this mental health evaluation is being used as punishment or retaliation, you are advised that assistance is available from the attorneys at (name and telephone number of local legal services office), from (name and telephone number of local IG), or from the Navy IG Hotline, **(800) 522-3451**.

Commanding Officer or OIC, (O-5 or above)
By direction

ENCLOSURE (1)

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SAMPLE OF NOTIFICATION OF MENTAL HEALTH EVALUATION AND PATIENT RIGHTS (SERVICEMEMBER'S ACKNOWLEDGMENT)

Code
(date)

From: (Servicemember who received notification of mental health referral)
To: (CO or OIC of unit activity)
Subj: NOTIFICATION OF MENTAL HEALTH EVALUATION AND PATIENT RIGHTS
Ref: (a) Letter (of CO or OIC), (serial number and date)
(b) DoDD 6490.1
(c) SECNAVINST 6320.24

1. I acknowledge that I have received the original of reference (a).
2. I understand that if I choose to question the referral for mental health evaluation, I may do so without fear of reprisal or restriction of my lawful communications. I further understand; however, that even if I choose to question the referral, I must still report to the appropriate clinic at the date and time ordered and that failure to do so may constitute a violation of the UCMJ.
3. I elect the following rights, which I have circled below:
 - a. To consult with a staff judge advocate or other attorney employed by the DoD who is available to advise me of the ways in which I may seek redress, if I question this referral.
 - b. To submit to the Inspector General (IG) for investigation an allegation that my referral for a mental health evaluation was a reprisal for making or attempting to make a lawful communication to a member of Congress, any appropriate authority in my chain of command, an IG, or a servicemember of an audit or that my referral was in violation of any other provision of references (b) or (c).
 - c. To be evaluated by a mental health professional of my own choosing, provided that such mental health professional is reasonably available. I understand that reasonably available means that the mental health professional, either DoD employed or non-DoD

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employed, must be available to conduct the evaluation within the next 10 business days. This evaluation by a mental health professional of my own choosing would be at my expense. I understand that I will not be charged for a DOD mental health professional's fees or salary; however, travel, per diem, and other ancillary costs would be at my expense.

d. To lawfully communicate without restriction with an IG, attorney, member of Congress, or others about my referral for a mental health evaluation.

e. To have two business days to meet with an attorney, IG, chaplain, or other appropriate party before a scheduled mental health evaluation.

f. To waive all of-the above.

Witness

Servicemember Signature

ENCLOSURE (2)