§ 9.58 Transport for evaluation; powers of approved mobile crisis outreach teams.

(a) A physician or qualified mental health professional who is a member of an approved mobile crisis outreach team shall have the power to remove, or pursuant to subdivision (b) of this section, to direct the removal of any person who appears to be mentally ill and is conducting themselves in a manner which is likely to result in serious harm to themselves or others, to a hospital approved by the commissioner pursuant to subdivision (a) of section 9.39 or section 31.27 of this chapter or where the team physician or qualified mental health professional deems appropriate and where the person voluntarily agrees, to a crisis stabilization center specified in section 36.01 of this chapter.

(b) If the team physician or qualified mental health professional determines that it is necessary to effectuate transport, he or she shall direct peace officers, when acting pursuant to their special duties, or police officers, who are members of an authorized police department or force or of a sheriff's department, to take into custody and transport any persons identified in subdivision (a) of this section. Upon the request of such physician or qualified mental health professional, an ambulance service, as defined in subdivision two of section three thousand one of the public health law, is authorized to transport any such persons. Such persons may then be evaluated for admission in accordance with the provisions of section 9.27, 9.39, 9.40 or other sections of this article, provided that such admission decisions shall be made independent of the fact that the person was transported pursuant to the provisions of this section and, provided further, such transport shall not create a presumption that the person should be involuntarily admitted to a hospital.

(c) The commissioner shall be authorized to develop standards, in consultation with the commissioner of the division of criminal justice services, relating to the training requirements of teams established pursuant to this section. Such training shall, at a minimum, help to ensure that the provision of crisis and emergency services are provided in a manner which protects the health and safety and respects the individual needs and rights of persons being evaluated or transported pursuant to this section.

(d) As used in this section:

(1) "Approved mobile crisis outreach team" shall mean a team of persons operating as part of a mobile crisis outreach program approved by the commissioner of mental health, which may include mobile crisis outreach teams funded pursuant to section 41.55 of this chapter.

(2) "Qualified mental health professional" shall mean a licensed psychologist, registered professional nurse, licensed clinical social worker or a licensed master social worker under the supervision of a physician, psychologist or licensed clinical social worker.