

OFFICE OF HEALTH FACILITIES

POLICY TYPE: TRANSPORTATION COSTS ASSOCIATED WITH INVOLUNTARY CIVIL COMMITMENT	POLICY DESCRIPTION: REIMBURSEMENT OF TRANSPORTATION COSTS INCURRED BY LAW ENFORCEMENT AND DEPARTMENT OF CORRECTIONS & REHABILITATION PERSONNEL
EFFECTIVE DATE: July 1, 2022	REPLACES POLICY/DATED: All previous policies
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REIMBURSEMENT OF TRANSPORTATION COSTS INCURRED BY LAW ENFORCEMENT AND DEPARTMENT OF CORRECTIONS AND REHABILITATION PERSONNEL RELATED TO INVOLUNTARY CIVIL COMMITMENTS

PURPOSE:

Establish a policy to implement W.Va. Code §27-5-4(s)(3) that requires the Department of Health and Human Resources to reimburse the Sheriff, the Department of Corrections and Rehabilitation, and other law enforcement agencies for the actual costs related to transporting a patient who has been involuntarily committed and transported in accordance with W.Va. Code §27-5-1 *et seq.*

Except as expressly stated otherwise in this Policy, the terms, conditions, and definitions contained in Title 148, Department of Administration, State of West Virginia Travel Rules shall control (as may be amended).

DEFINITIONS:

Actual Costs – Actual Costs shall include all permissible travel related expenses as defined by the Rule and any reasonable and necessary employee wages associated with a Member of Law Enforcement who has a Custodial Relationship of a Patient and who provides transportation of a Patient to a state psychiatric hospital or a diversion psychiatric hospital in accordance with W.Va. Code §27-5-1 *et seq.*, from his/her Duty Station. Actual Costs do not include costs, expenses, wages, and the like that are or may be incurred by a Member of Law Enforcement and that fails to result in the court-ordered transportation, commitment, and placement of a Patient to a state psychiatric hospital or a diversion psychiatric hospital.

Custodial Relationship – A Member of Law Enforcement who has been directed by a judicial officer pursuant to a court order to pick up, detain, and otherwise transport a Patient to a state psychiatric hospital or a diversion psychiatric hospital in accordance with W.Va. Code §27-5-1 *et seq.* For purposes of this Policy, the period of the Custodial Relationship commences when the Patient is picked up and ends when the Patient is transported to the psychiatric hospital and the Member of Law Enforcement returns to his/her Duty Station after such transport.

Member of Law Enforcement – A sheriff or deputy sheriff, an officer of the Department of Corrections and Rehabilitation, or a law enforcement officer who has a Custodial Relationship with a Patient.

Patient – A person who is the subject of an application, order, or other filing for involuntary civil commitment in accordance with W.Va. Code §27-5-1 *et seq.*, and that results in a court-ordered involuntary commitment.

Rule – Title 148 Department of Administration State of West Virginia Travel Rules. [<http://www.state.wv.us/admin/purchase/travel/TravelRule.pdf>].

Travel Expense Report – The form/format that is to be used for settling all travel related expenses and Actual Costs incurred by a Member of Law Enforcement pursuant to this Policy, whether in an electronic travel management solution or on paper. *See* attached. A Travel Expense Report shall include a true and accurate redacted copy of the applicable court order that removes Patient identifying information, all reasonable and necessary documentation to verify the travel expenses incurred, a certification by a Member of Law Enforcement of the Actual Costs incurred, and documentation from the Spending Unit Officer at the state hospital that verifies the completion of a court-ordered Patient transport with whom a Member of Law Enforcement has a Custodial Relationship.

Verified Travel Expense Report – Travel Expense Reports by a Member of Law Enforcement that are approved by the Spending Unit Officer as defined by the Rule, verified and approved by the Finance Department of the Department of Health and Human Resources (“DHHR Finance”), and that comply with the requirement of W.Va. Code §27-5-10(d) that the state hospital shall be contacted in advance of the transportation of the Patient to determine if the state hospital has suitable bed capacity to place the Patient. Any Member of Law Enforcement who fails to comply with or fails to fulfill the requirements of W.Va. Code §27-5-10(d) and/or fails to transport a Patient to a diversion psychiatric hospital, if necessary due to limited bed capacity or otherwise, shall be ineligible for reimbursement of Actual Costs.

POLICY:

The Spending Unit shall audit a Travel Expense Report and, if the Travel Expense Report is in compliance with the Policy and W.Va. Code §§27-5-4(s)(3) and 27-5-10(d), the Spending Unit will attempt to submit a Verified Travel Expense Report for reimbursement to the State Auditor's Office within thirty (30) days after completion of a Law Enforcement Officer’s provision of transportation services of a Patient with whom the Officer has a Custodial Relationship subject to the Law Enforcement Officer’s submission and approval of all required information and documents in this Policy.

The Admissions Department at each of the state psychiatric hospital shall monitor and tabulate all Patient transports to the state psychiatric hospital and diversion psychiatric hospitals and shall promptly provide all information and documents reasonably necessary for the Spending Unit and DHHR Finance to process a Travel Expense Report and, if appropriate, submit a Verified Travel Expense Report for reimbursement.

Except as otherwise provided in this Policy, the Spending Unit and DHHR Finance shall administer the Policy in accordance with the Rule.