

SAN MATEO COUNTY HEALTH SYSTEM
BEHAVIORAL HEALTH AND RECOVERY SERVICES

DATE: October 23, 1996

BHRS POLICY: 96-13
SUBJECT: Court Testimony by Psychiatrists
AUTHORITY: Divisional
AMENDED: June 14, 2012

POLICY

Whenever there is a psychiatrist currently involved in the care of a consumer who needs LPS-related court testimony regarding conservatorship, Reize hearings, writs of habeas corpus, or other related legal needs, that treating psychiatrist shall give the court testimony. This policy includes all possible treatment sites, such as regional outpatient clinics, OASIS, San Mateo County Medical Center inpatient services, Cordilleras Mental Health Center, community mental health agencies serving mental health clients under a county contract, and consumers followed by the Aging and Adult Services Division who have a psychiatrist involved in their care.

PROTOCOL

- A minimum of one week shall be allowed prior to the date of testimony, to facilitate scheduling and to allow for adequate review of the relevant clinical and legal material.
- Exception: When the legal requirement is different, such as the three-day notice for writs.
- In situations where the primary treating psychiatrist is a psychiatric resident, the resident's supervising psychiatrist shall do the testifying. (The Court will only rarely accept resident testimony as expert or sufficient, despite the resident's legal authority once licensed to testify.)
- For inpatient services at San Mateo County Medical Center or Cordilleras Mental Health Center, the Medical Director (psychiatric) of those facilities shall be notified and shall testify or arrange for an alternative psychiatrist to so testify.
- In the situation where there is no primary psychiatrist involved, or the treatment team agrees that the primary psychiatrist should not testify, the case manager, coordinator of care, or the conservator shall notify both the Medical Director of Behavioral Health

Services and the Deputy Director of Adult Services. This notice shall be with sufficient lead time to establish an alternative plan for psychiatric testimony.

- The Medical Director of Behavioral Health Services and the Deputy Director of Adult Services will determine the psychiatrist who is to give such testimony in lieu of a primary psychiatrist.
- That psychiatrist shall be given sufficient time to schedule and prepare for the court hearing, and access to adequate documentation and clinical information.
- If no psychiatrists are available, or in a last minute emergency situation, such as if the testifying psychiatrist is ill on the day of testimony, County Counsel will make every effort to have the case continued to another date. The Medical Director of Behavioral Health Services and the Deputy Director of Adult Services shall be notified immediately of an emergency situation where the court date is unable to be changed.

Approved: Signature on File
Stephen Kaplan, Director
Behavioral Health and Recovery Services

Approved: Signature on File
Robert Cabaj MD, Medical Director
Behavioral Health and Recovery Services