



UNITED STATES MARINE CORPS
MARINE CORPS BASE
QUANTICO, VIRGINIA 22134-5001

MCBO 6520.1C
B 103
20 May 2010

MARINE CORPS BASE ORDER 6520.1C

From: Commander
To: Distribution List

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

Ref: (a) DoDD 6490.1
(b) SECNAVINST 6320.24A
(c) Public Law 102-484, section 546, 23 Oct 92
(d) Public Law 101-510, 5 Nov 90
(e) MCM, 2000, R.C.M. 706

Encl: (1) Sample Notification of Behavioral Health Evaluation and
Patient Rights (Command-Directed Referral)
(2) Sample Notification of Behavioral Health Evaluation and
Patient Rights (Servicemember Acknowledgment)

1. Purpose. To disseminate information and instructions to area CO/OICs on the referral of active duty servicemembers for behavioral health evaluations and treatment at the Behavioral Health Department, Naval Health Clinic (NHC), Quantico. This implements references (a) through (e) at the local level.

2. Cancellation. MCBO 6520.1A.

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

4. Types of Behavioral Health Referrals. Active duty servicemembers are seen for evaluation and treatment based on the following types of referrals.

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

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

c. Command-Directed Referral. 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 (d) apply specifically to these command-directed referrals.

d. Emergency Referral. An emergent behavioral 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/OIC in referring servicemembers for emergency behavioral health evaluations, when circumstances indicate the need for such action. See paragraph 11 for complete instructions on emergency referrals.

e. Competency to Stand Trial Referral. 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 the servicemember lacked mental responsibility at the time of the alleged offense.

5. Background Information. References (a) through (d) establish safeguards in the command-directed referral of active duty servicemembers for behavioral 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 behavioral health referrals, establish procedures that provide protection for servicemembers, and prohibits the use of behavioral health referrals as reprisals.

6. Commanding Officer/Officer in Charge Responsibilities in Command-Directed Referrals. Policy requires the following actions on the part of referring officials.

a. The CO/OIC will consult with a behavioral health professional before referring an active duty servicemember for routine (non-emergency) outpatient behavioral 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 behavioral health evaluation is scheduled.

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

(3) The name of the behavioral 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, command inspector, 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/OIC will so indicate on the paperwork.

c. The CO/OIC shall forward copies of the written notice and servicemember's acknowledgment to the Behavioral 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 their primary medical record and service record book to the initial evaluation. The servicemember is also required to complete a personal questionnaire to provide further history. The CO/OIC will also ensure the servicemember is afforded the rights outlined in references (a) through (d) and described in paragraph 7.

d. Upon receipt of a copy of the written report of the outpatient behavioral health evaluation, the CO/OIC shall make a written record of the actions taken and reasons for them. Whenever a behavioral 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 endorsed by the CO NHC Quantico. If the servicemember's CO, in turn, declines to follow the recommendations of the CO NHC Quantico, the servicemember's CO shall forward a memorandum to their CO within 2 business days, explaining the decision to retain the servicemember against medical advice.

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

a. The right to meet with a SJA 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 command inspector for investigation of an allegation that the servicemember was referred for a behavioral health evaluation in violation of reference (a) or implementing directives.

c. The right to have a second behavioral health evaluation by a behavioral health professional of the servicemember's own choosing, provided such provider is reasonably available. Reasonably available means that the behavioral health professional, whether DoD employed or non-DoD employed, must be available to conduct the behavioral 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 2 business days before a scheduled behavioral health evaluation to meet with an attorney, command inspector, chaplain, or other appropriate authority.

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

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

b. Administratively screen active duty personnel referred for outpatient behavioral 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 command inspector, via the CO NHC Quantico, any case where there is evidence that a Behavioral health referral was made in violation of reference (a).

e. Conduct a thorough outpatient behavioral 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 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 Secretary of Navy regulations.
- f. Referrals related to responsibility and competency inquiries conducted under reference (e).
- g. Referrals for behavioral health evaluations required for special duties (e.g., 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. CO/OICs who have information indicating that an active duty servicemember may, as a result of a behavioral 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/OIC shall consult with a behavioral 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/OIC to believe that an emergency assessment was needed. The CO/OIC 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 Behavioral Health Department, NHC Quantico at 703-784-1779/1780 to arrange a 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 Behavioral Health Department, NHC Quantico will be undertaken on a case-by-case basis in regards to competency to stand trial referrals. This is necessary to ensure the availability of staff to provide the required services.

13. Action. CO/OICs will ensure the widest dissemination and compliance with the contents of this Order.

14. Applicability. This Order is applicable to all MCCDC, MCB, and tenant activities.

/s/
D. J. CHOIKE

DISTRIBUTION: A

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

COMMAND LETTERHEAD

6520
(Office Code)
(Date)

From: Commanding Officer/Officer in Charge, (unit or activity name)
To: (Servicemember being referred for behavioral health
evaluation)

Subj: NOTIFICATION OF BEHAVIORAL HEALTH EVALUATION AND PATIENT
RIGHTS

Ref: (a) DoDD 6490.1
(b) SECNAVINST 6320.24A
(c) MCBO 6520.1C

1. You are being referred for a Behavioral health evaluation. You are ordered to report to the Behavioral Health Department, Naval Health Clinic, Quantico, Building 3259, at (time/date) for evaluation. You are to be in the uniform of the day and bring your primary medical record and service record book with you to the initial evaluation.

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

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

4. Per the references, 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 command inspector for investigation an allegation that your referral for a Behavioral 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, the command inspector, other servicemember of an audit or that your referral was in violation of any other provision of the references.

ENCLOSURE (1)

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

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

e. The right, except in emergencies, to have 2 business days to meet with an attorney, chaplain, the command inspector, or other appropriate party before a scheduled behavioral health evaluation. If your condition requires the behavioral 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 behavioral 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 command inspector), or from the Navy Inspector General Hotline, 800-522-3451.

I. M. MARINE
By direction

ENCLOSURE (1)

SAMPLE NOTIFICATION OF BEHAVIORAL HEALTH EVALUATION AND PATIENT
RIGHTS (SERVICEMEMBER ACKNOWLEDGMENT)

COMMAND LETTERHEAD

6520
(Office Code)
(Date)

From: (Servicemember who received notification of behavioral health
referral)
To: Commanding Officer, (Unit/Activity's name)
Subj: NOTIFICATION OF BEHAVIORAL HEALTH EVALUATION AND PATIENT
RIGHTS
Ref: (a) CO/OIC (unit) ltr 6520 (office code) of (date)
(b) DoDD 6490.1
(c) SECNAVINST 6320.24A

1. I acknowledge that I have received the original of reference (a).
2. I understand that if I choose to question the referral for behavioral 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 SJA 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 command inspector for investigation an allegation that my referral for a behavioral 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, the command inspector, 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 behavioral health professional of my own choosing, provided that such behavioral health professional is reasonably available. I understand that reasonably available means

ENCLOSURE (2)

that the behavioral health professional, either DoD employed or non-DoD employed, must be available to conduct the evaluation within the next 10 business days. This evaluation by a behavioral health professional of my own choosing would be at my expense. I understand that I will not be charged for a DoD behavioral 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 the command inspector, attorney, member of Congress, or others about my referral for a behavioral health evaluation.

e. To have 2 business days to meet with an attorney, the command inspector, chaplain, or other appropriate party before a scheduled behavioral health evaluation.

f. To waive all of the above.

Witness's Signature

Servicemember's Signature

Witness's (Printed Name)

Servicemember's (Printed Name)