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Medical

**COMMANDER DIRECTED MENTAL HEALTH
EVALUATIONS**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction establishes procedures for routine and emergency commander directed mental health evaluations. It applies to all host and tenant organizations supported by the 43d Medical Group, Pope AFB, NC.

SUMMARY OF REVISIONS

This document is substantially revised and must be completely reviewed.

1. General Guidelines.

- 1.1. Mental health evaluations should not be requested when the problem can be handled more appropriately by administrative action.
- 1.2. Commanders are required to consult with an appropriately credentialed behavioral health professional prior to making a referral for a commander directed evaluation. In emergencies this may not be practical, but commanders should make an effort to consult prior to making a referral.
- 1.3. First Sergeants may provide information, facilitate the referral process, and assist in completing the evaluation request package, but a formal request must come from the unit commander. (See [Attachment 2](#))
- 1.4. In all cases, commanders are required to provide written notification of the evaluation to the service member, although in emergencies this notification may occur after the evaluation is completed. Information that must be included in this notification is described in paragraph 4.

2. Prohibited Acts. Violations of this paragraph are punishable under Article 92 of the Uniform Code of Military Justice (UCMJ). Referring officials and other persons will not:

2.1. Refer a member for any commander directed mental health evaluation for making or preparing a lawful communication to a member of Congress, an Inspector General (IG), a member of any Department of Defense (DoD) audit, inspection, investigation, law enforcement organization, or any appropriate authority in the member's chain of command.

2.2. Restrict a member from lawfully communicating with an IG, attorney, member of Congress, or other authority about the member's mental health evaluation referral.

3. Emergency Commander Directed Mental Health Evaluations.

3.1. The first priority is safeguarding the individual and/or potential victims. Therefore the commanding officer shall refer a service member for an emergency evaluation as soon as practical when emergency conditions exist.

3.2. DoDI 6490.4 *Requirements for Mental Health Evaluations of Members of the Armed Forces*, defines an emergency as "a situation in which a service member is threatening imminently, by words or actions, to harm himself, herself or others, or to destroy property under circumstances likely to lead to serious personal injury or death, and to delay a mental health evaluation to complete administrative requirements in accordance with DoDD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*, or DoDI 6490.4 could further endanger the service member's life or well-being, or the well-being of potential victims."

3.3. Once the situation is safe, contact the 43d Medical Group (43 MDG) Behavioral Health Clinic (BHC) and discuss the situation with a behavioral health professional. After duty hours, contact the Emergency Room (ER) at Womack Army Medical Center (WAMC). If the situation precludes prior consultation, transport the service member to the ER at WAMC.

3.4. The commander is then obligated to expeditiously complete the notification letter described in paragraph 4.3. and provide the service member with a copy of their rights. A copy of this material shall be forwarded to the behavioral health provider providing care.

4. Routine Commander Directed Mental Health Evaluations:

4.1. If the behavioral health professional concurs with the commander's request for a commander directed mental health evaluation, complete a Mental Health Evaluation Request (See [Attachment 2](#)). This may be obtained at the 43 MDG BHC. An appointment for evaluation interview and psychological testing will be scheduled at this time.

4.2. The request should be as detailed as possible in order to provide the evaluator with a clear picture of the problem being experienced in the duty section. Supervisors and others well acquainted with the service member can be important contributors to this process.

4.2.1. Identify *specific* questions that the commander would like answered by the examination.

4.2.1.1. Examples include:

4.2.1.1.1. Is this person *fit* for continued duty in the unit?

4.2.1.1.2. Is this person *suitable* for continued military service?

4.2.1.1.3. Is this person *reliable* for...(flying, Personnel Reliability Program (PRP), etc)

4.2.1.1.4. Does this person require hospitalization?

4.2.1.1.5. Does this person require drug/alcohol treatment?

4.2.1.1.6. How does this person's emotional condition and/or personal stress affect his inappropriate behavior...should I "throw the book at him" or try to be understanding?

4.2.2. Include in the materials sent to the BHC copies of any documentation relating to the concerns, i.e. Memorandums for Record, Article 15s, Letters of Counseling, Letters of Reprimand, statements from supervisors, etc. (**NOTE:** This material may be discoverable under the Freedom of Information Act or protected under the Privacy Act. If this material is sensitive, commanders should request it be returned upon completion of the evaluation.)

4.3. The commander then notifies the individual in writing of the evaluation. While confronting an individual's inappropriate behavior can be difficult, it is mandatory that the commander tell the service member that a mental health evaluation has been requested and why.

4.3.1. The individual must be notified in writing (See [Attachment 3](#)) at least 2 business days in advance of the evaluation unless the evaluation requires an emergency response. In emergencies, the individual may be taken to an emergency room for an emergency evaluation. Emergency evaluations are intended to be used only in cases where there is reason to be concerned for the safety of the individual, the safety of others, or the safety of government property. Remember, even in those situations, commanders are required to comply with the rest of the procedures described in this paragraph.

4.3.2. Provide the date, time, and location of the evaluation.

4.3.3. Provide the name of the behavioral health professional who will be conducting the evaluation.

4.3.4. Provide a description of the behaviors that have prompted the evaluation.

4.3.5. Provide the name of the behavioral health professional with whom the commander consulted prior to making the referral.

4.3.6. Provide the names and phone numbers of the authorities (Area Defense Council/Inspector General) who can assist the individual who feels the evaluation is without adequate or proper rationale.

4.3.7. A copy of the member's rights (See [Attachment 5](#)) must be provided at the time of the referral. These rights place additional responsibilities upon commanders in emergency situations or other situations where the commander directed evaluation procedures cannot be completely followed.

4.3.8. The individual is to sign the notification attesting to having received the above notification and information. If the individual refuses to sign, the commander must annotate that fact on the letter of notification. Copies of the commander directed evaluation request package notification letter and the service member's acknowledgment of receipt (See [Attachment 4](#)) must be sent to the behavioral health provider conducting the evaluation prior to the evaluation.

5. Feedback to Commander and Service Member:

5.1. The behavioral health provider will provide the service member with feedback regarding the results of any testing, memorandums to the commander, and recommendations.

5.2. Within 1 duty day after completing the evaluation and feedback, the behavioral health provider will discuss with the commander, at a minimum, diagnosis, prognosis, and broad recommendations regarding fitness and suitability for continued service and shall make recommendations about precaution(s), if appropriate, and administrative management of the service member.

5.3. Within 10 duty days after completion of the evaluation and feedback, the behavioral health provider will forward to the commander a written summary of specific conclusions and recommendations regarding fitness and suitability for continued service, safety precautions(s), if appropriate, and administrative management of the service member.

FRANK J. KISNER, Colonel, USAF
Commander

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

AFI 33-332, *Air Force Privacy Act Program*

AFI 44-109, *Mental Health, Confidentiality, and Military Law*

DoDR 5400.7/Air Force Supplement 1, *DoD Freedom of Information Act Program*

DoDD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*

DoDI 6490.4, *Requirements for Mental Health Evaluations of Members of the Armed Forces*

Public Laws 101-510 and 102-484

Abbreviations and Acronyms

DoD—Department of Defense

ER—Emergency Room

FOIA—Freedom of Information Act

IG—Inspector General

MDG—Medical Group

MHC—Mental Health Clinic

UCMJ—Uniform Code of Military Justice

WAMC—Womack Army Medical Center

Attachment 2

COMMANDING OFFICER'S REQUEST FOR A MENTAL HEALTH EVALUATION

MEMORANDUM FOR BEHAVIORAL HEALTH FLIGHT COMMANDER

FROM: _____

SUBJECT: Command Referral for Behavioral Health Evaluation of (Service Member Rank, Name, Branch of Service and SSN) _____

REFERENCES:

DoD Directive 6490.1, "Mental Health Evaluations of Service Members of the Armed Forces", October 1, 1997

DoD Instruction 6490.4 "Requirements for Mental Health Evaluations of Members of the Armed Forces," August 28 1997

DoD Directive 7050, Military Whistleblower Protection," August 12, 1995

AFI 44-109, "Mental Health, Confidentiality, and Military Law," 1 March 2000

Section 546 of Public Law 102-484, "National Defense Authorization Act for Fiscal Year 1993," October 1992

In accordance with references (a) through (e), I hereby request a formal Behavioral Health evaluation of _____ (rank and name of service member).

_____ has _____ (years) and _____ (months) of active duty service and has been assigned to my command since _____ (date). Armed Services Vocational Aptitude Battery (ASVAB) scores upon enlistment were: _____. Past average performance marks have ranged from (give numerical scores) _____. Legal action is/is not currently pending against the service member. (If charges are pending, list dates and UCMJ articles).

Past legal and administrative actions include: (List dates, charges, non judicial punishments (NJPs) and/or findings of a Court Martial.)

Reasons that warrant this referral (give a detailed description of problematic behaviors and/or verbal expression that generate concern for the active duty member's mental health).

I have forwarded to the service member a memorandum that advises (rank, and name of service member) _____ of his/her rights. This memorandum also states the reasons for this referral, the name of the behavioral health care provider(s) with whom I consulted, and the names and telephone numbers of judge advocates, DoD attorneys and/or Inspectors General who may advise and assist him (or her). A copy of this memorandum is attached for your review.

_____ (service member's rank and name) has been scheduled for evaluation by _____ (name and rank of behavioral healthcare provider) at the Life Skills Support Center on _____ (date) at _____ (time).

Should you wish additional information, you may contact: _____ (name and rank of the designated point of contact) _____ at (telephone number).

Please provide a summary of your findings and recommendations to me as soon as they are available.

(Signature)

Rank and Name of Commanding Officer

Attachment 3**SAMPLE COMMANDER'S NOTIFICATION LETTER**

MEMORANDUM FOR (Service member's rank, name, and SSN)

FROM: (Commander)

SUBJECT: Notification of Commanding Officer Referral for Mental Health Evaluation

References: (a) DoD Directive 6490.1, "Mental Health Evaluations of Members of the Armed Forces," October 1, 1997

(b) DoD Instruction 6490.4, "Requirements for Mental Health Evaluations of Members of the Armed Forces," August 28, 1997

(c) Section 546 of Public Law 102-484, "National Defense Authorization Act for Fiscal Year 1993," October 1992

(d) DoD Directive 7050.6, "Military Whistleblower Protection," August 12, 1997

1. In accordance with references (a) through (d), this memorandum is to inform you that I am referring you for a mental health evaluation.
2. The following description of your behaviors and/or verbal expressions that I considered in determining the need for a mental health evaluation was: (provide dates and a brief factual description of the Service member's actions of concern).
3. Before making this referral, I consulted with (rank and name of mental health professional), who is a mental health care provider at the Behavioral Health Clinic at Pope AFB about your recent actions.

OR (*in emergencies*)

3. Consultation with a mental healthcare provider prior to this referral is (was) not possible because (give reason: e.g. geographic isolation from available mental healthcare provider, nature of the emergency, etc.)
4. In accordance with references (a) and (b) above, you are entitled to the following rights: (list, per **Attachment 3**). Please read the rights and ensure you understand them.
5. You are scheduled to meet with (rank and name of the mental healthcare provider) at (name of Medical Treatment Facility or clinic) on (date) at (time).
6. The following authorities can assist you if you wish to question this referral:
 - a. Area Defense Counsel: (Provide rank, name, location, telephone number and available hours)
 - b. Inspector General: (Provide rank/title, name, and address, telephone number, and available hours for Air Force and IG, DoD. The IG, DoD number is 1-800-424-9098)
 - c. Other Available Resources: (Provide rank, name corps/title of chaplains or other resources available to counsel and assist the Service member.)

COMMANDER'S NAME, RANK, USAF

Commander

Attachment 4

MEMBER'S ACKNOWLEDGEMENT OF RECIEPT

MEMORANDUM FOR (Commander)

FROM: (Rank and name of Service member)

SUBJECT: Mental Health Evaluation – INFORMATION MEMORANDUM

1. I hereby acknowledge receipt of the notification of referral for a command directed mental health evaluation on (date and time).
2. I have received a copy of my rights under DoD Directive 6490.1, and I have read and understood them.

Service member's signature: _____ Date: _____

OR (if member refuses to sign)

The service member declined to sign this memorandum which includes the Service member's Statement of rights because (give reason and/or quote service member).

Witnesses signature: _____ Date: _____

Witnesses rank and name: _____

Attachment 5**MEMBER'S RIGHTS IN COMMANDER DIRECTED MENTAL HEALTH EVALUATIONS
UNDER DoD DIRECTIVE 6490.1**

A5.1. The following information is provided to help you understand your rights regarding your upcoming mental health evaluation. You have been referred for evaluation because your commander is concerned about you. This evaluation is not a reprisal for actions you have taken, but an attempt by your commander to understand the problems you are experiencing. Please read your rights thoroughly and feel free to seek advice if you do not understand any part of your rights.

A5.2. The right, upon your request to speak with an attorney who is a member of the Armed Forces or is employed by the Department of Defense (DoD) who is available for the purpose of advising you of the ways in which you may seek redress should you question this referral.

A5.3. The right to submit to the Inspector General (IG) or to DOD/IG for investigation an allegation that your mental health evaluation referral was a reprisal for making or attempting to make a lawful communication to a member of Congress, and appropriate authority in your chain of command, an IG, or a member of a DoD audit, inspection, investigation or law enforcement organization, or in violation of DoD Direction 6490.1, DoD Instruction 6490.4, or AFI 44-109.

A5.4. The right to obtain a second opinion and be evaluated by a mental healthcare provider of your own choosing, at your own expense, if reasonably available. Such an evaluation by an independent mental healthcare provider shall be conducted within a reasonable period of time, usually within 10 business days, and shall not delay nor substitute for an evaluation performed by a DoD mental healthcare provider.

A5.5. The right to communicate without restriction with an IG, attorney, member of Congress, or others about your referral for a mental health evaluation. This provision does not apply to a communication that is unlawful.

A5.6. The right, except in emergencies, to have at least two business days before the scheduled mental health evaluation to meet with an attorney, IG, chaplain, or other appropriate party. If I believe your situation constitutes an emergency or that your condition appears potentially harmful to your well being and I judge that it is not in your best interest to delay your mental health evaluation for two business days, I shall state my reasons in writing as part of the request for the mental health evaluation.

A5.7. If you are assigned to a naval vessel, deployed or otherwise geographically isolated because of circumstances related to military duties that make compliance with any of the above procedures impractical, I will give you a memorandum setting forth the reasons for my inability to comply with these procedures.