

PERS 80 1584

OGC Has Reviewed

OGC 80-00403
16 January 1980

MEMORANDUM FOR: Executive Officer, DDA

STATINTL FROM:

Assistant General Counsel

SUBJECT: Guidelines Implementing the Agreement with
the VA and St. Elizabeths Hospital for the
Admission and Treatment of CIA BeneficiariesREFERENCE: Memorandum for EO/DDA, from Chief Psychiatric
Division, OMS, same subject, dated 10 October
1979

At your request this Office has reviewed reference. It is our opinion that the guidelines contained therein should be expanded to describe, in greater detail, the internal procedures and responsibilities applicable to the agreements. Attached for comment is my attempt at an expanded set of guidelines. I recommend that you chair a meeting with OMS, OP, OS, and the undersigned to discuss this matter further.

STATINTL

Att.

All portions are UNCLASSIFIED

Implementing Guidelines Applicable to the Agreement with the Veterans Administration and St. Elizabeth's Hospital for the Admission and Treatment of CIA Beneficiaries--10 October 1979.

1. Purpose:

These guidelines establish the internal Agency procedures and responsibilities necessary to implement the agreements at Tab A and B.

2. Responsibilities:

The Director of Medical Services, the Director of Personnel, the Director of Security, and the General Counsel will designate an employee of their respective offices, and an alternate, to serve as focal point officer for matters within the purview of these agreements. When a situation comes to the attention of any office suggesting the necessity to implement these agreements, the focal point officers will meet as an ad hoc committee to accomplish the following action:

(a) Committee Action:

The committee will determine whether voluntary Admission procedures or involuntary commitment action will be necessary.

(b) The Office of Medical Services representatives will:

- (1) Prepare the necessary medical records required for admission or commitment
- (2) If commitment is required, designate a psychiatrist or other physician who will accompany and remain with the patient until normal admitting procedures have been accomplished.

- (3) Notify the Superintendent of St. Elizabeth's Hospital or the Hospital Director of a VA facility in writing of the impending request to admit or comment on individuals in accordance with our agreements.
- (c) The Office of Personnel representative will:
- (1) Ensure that applicable Agency personnel records reflect action initiated under these agreements and that the proper parties or dependents are notified of the action.
 - (2) Establish liaison with the Office of Finance to initiate procedures necessary to effect payments that are required by the agreements.
 - (3) Notify the DDCI and other such officials or components of the Agency as appropriate.
 - (4) Establish such internal OP procedures in coordination with OMS, as may be necessary to monitor the individual's case during the period the individual is admitted or committed while still under the jurisdiction of the CIA.
- (d) The Office of General Counsel representative will:
- (1) Advise and assist in the preparation of necessary legal documents and render such other legal advise as may be necessary.
 - (2) Advise as to the statutory commitment procedures applicable to the case.
- (e) The Office of Security will advise the committee of the security consideration applicable to the particular case.

3. Determination to commit:

A determination to commit a CIA beneficiary will be accomplished by the ad hoc committee in accordance with applicable statutes under the following criteria:

- (a) The beneficiary appears, in the opinion of a duly licensed physician to be:
 - (1) In immediate danger of harming himself and others and,
 - (2) Is unable to function mentally or emotionally outside of a hospital and,
 - (3) Is unable to make a natural decision on his own initiative as to hospitalization and who is without relatives or next of kin who can function on his behalf and,
 - (4) Requires psychiatric hospitalization but for whom no alternative facilities are reasonably available and,
- (b) In the opinion of the ad hoc committee commitment is required to protect classified information or intelligence sources and methods from disclosure.

4. Definition: For the purpose of the agreements a CIA Beneficiary includes an individual who is an:

- (a) Employee
- (b) Defector
- (c) Agent
- (d) Or other individual who is determined by the ad hoc committee to be the responsibility of the Agency.