

WREMAC

To: Western Region EMS Agencies, Providers, and Emergency Departments
From: Michael O'Brien, MD, FACEP, FAEMS, NRP
Chair
Date: 19 January 2026
Re: Mental Hygiene Law Transports (9.41/9.45 and 22.09) – **Revised**

The Western REMAC would like to remind EMS Agencies and Providers of appropriate destinations for patients on various Mental Hygiene Law holds:

Mental Hygiene Law Section 22.09

Individuals placed on 22.09 status by police are to be transported to the closest Article 28 Emergency Department. There is no requirement that such persons be transported to Erie County Medical Center. Bypassing the closest facility to transport to ECMC is reserved for patients that are exhibiting significant physically combative behavior. All Emergency Departments in the Western Region are capable of accepting and required to accept such patients for medical evaluation.

Mental Hygiene Law Section 9.41/9.45 being transported to Erie County Medical Center

Pediatric patients (< 18 yo) placed on 9.41 or 9.45 status with any report of or concern for overdose (including alcohol intoxication) are first to be transported to Golisano Children's Hospital of Buffalo Emergency Department for medical clearance. Medical concerns must be addressed prior to CPEP evaluation. This applies **only** to pediatric patients requiring CPEP evaluation at Erie County Medical Center.

Please contact the REMAC at ubmdems@buffalo.edu with questions. Thank you for the critical yet challenging work you perform each day.