



Authorization and Designation Pursuant to the Lanterman-Petris-Short (LPS) Act Policy

Effective Date 04/01/1995
Revised Date 06/05/2019


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Policy It is the policy of the Department of Behavioral Health (DBH) that DBH and contracted providers, including Arrowhead Regional Medical Center (ARMC) Department and contractor staff and licensed professionals at LPS-designated hospitals or qualified individuals at Non-LPS Emergency Departments (ED) (or units) interpret and implement Welfare and Institution Code (WIC) §5150 and 5585 accordingly.

Purpose To communicate the requirements for implementation of the Lanterman-Petris-Short Act, Section 5150 et seq., 5250 et seq., 5260 et seq. and 5300 et seq. throughout San Bernardino County (County) under the direction of the DBH Director and/or designee as authorized by law and the County Board of Supervisors.

County Designation Nothing herein supersedes prior approval by the County Board of Supervisors (January 19, 1987), to:

- Designate DBH, Adult System of Care as conservatorship investigator;
- Designate the Superior Court Behavioral Health Counselor to initiate court-ordered evaluations, or
- Establish the County Patient's Rights Office.

Authorization Granted by WIC 5150/5585 The professional person in charge or member of the attending staff, of an LPS designated hospital or hospital unit, is authorized by WIC 5150/5585 to complete an Application for Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation or Treatment (5150/5585 Application). Authorized individuals include only the following persons:

- Licensed Physician;
- Licensed Psychiatrist;
- Licensed Physician Assistant;
- Licensed Nurse Practitioner;
- Licensed Registered Nurse;
- Licensed Clinical Social Worker;
- Licensed Marriage-Family Therapist;

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Authorization Granted by WIC 5150/5585, continued

- Licensed Psychiatric Technician;
- Licensed Professional Clinical Counselor, and
- Licensed Psychologist.

Note: License must be from the State of California with the exception of federally licensed staff from the Department of Veteran Affairs (VA).

Authorization Granted by DBH Director

The Director of DBH or designee is authorized by WIC 5121 to designate authority to qualified professionals to complete 5150/5585 Applications. These professionals shall include:

- DBH Psychiatrist;
- DBH Licensed Psychologist;
- DBH Licensed Clinical Supervisor;
- DBH Licensed Clinical Therapist I/II;
- DBH Licensed Psychiatric Technician [with two (2) years of mental health experience];
- DBH Physician Assistant (PA);
- DBH Nurse Practitioner;
- DBH Mental Health Nurse II;
- Emergency room physicians and physician assistants at ARMC;
- Licensed professionals at Non-LPS designated EDs, and
- Contract agency staff in licensed positions similar to those listed in this section.

Note: Under special circumstances, pre-licensed staff and first year resident physicians may be designated authority to complete 5150/5585 Applications under the direct supervision of licensed staff designated/approved by the DBH Director.

5150/5585 Training and Examination

- All persons requesting authorization to complete 5150/5585 Applications shall complete the DBH 5150/5585 in-person training and pass a written examination. 5150/5585 operational procedures will be defined during the training session.
 - Failure to pass the written examination will disqualify the person from being authorized to complete 5150/5585 Applications. Persons who do not pass the written examination shall have the opportunity to take the training and exam on the next available date. Upon completion of the 5150/5585 training and passing the written exam, the person will be granted authorization to complete 5150/5585 Applications for a two (2) year period.
 - Prior to expiration of the two (2) year period the authorized person is required to repeat 5150/5585 training and pass the written exam to renew designated authorization.
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LPS Designated Hospitals

Hospitals may request consideration for designation to the Department Director, after having met all pre-designated requirements. Said prerequisites include, but are not limited to:

- Licensure by the state;
- Appropriate staffing;
- Appropriate policies and procedures;
- Appropriate safety and security standards;
- Agreement and understanding of all LPS requirements, including:
 - Maintenance of patient rights as specified under LPS Act.

In addition to the professional person in charge, or member of the attending staff of an LPS designated hospital, the DBH Director or designee may authorize the following persons from contracted psychiatric hospitals and/or freestanding psychiatric facilities with designation under the LPS Act to complete 5150/5585 Applications:

- Licensed professionals in the psychiatric unit of the hospital/facility, and
- Licensed psychiatrists who have admission privileges in the hospital/facility.

Note: Requests for deviations from these additionally authorized persons must be approved through the DBH Medical Director or designee.

Non-LPS Designated Hospitals

DBH will support Non-LPS designated facilities by authorizing staff to complete 5150/5585 Applications as follows:

- Non-LPS designated facilities will be allowed up to eleven (11) people with active 5150 certification to complete 5150/5585 Applications. (The DBH Medical Director may authorize an exception to the limit on a case-by-case basis.)
- DBH will provide 5150/5585 training and certification to qualified individuals at Non-LPS EDs.
- DBH trainings will be available during each calendar year.
 - The list of training dates will be provided to all EDs through the Hospital Association of Southern California and at DBH bi-monthly collaborative committee meetings.
- DBH will offer additional technical support to EDs through trainings conducted monthly in alternating regions of the County.
 - Trainings will include information of updated community resources to assist EDs with discharge planning.

Note: Per DBH Information Notice [\(17-05\)](#) – Regulations involving Welfare and Institutions Code (WIC) Sections 5151/5585, effective February 1, 2018, DBH Community Crisis Response Team (CCRT) will no longer complete 5150/5585 Applications for individuals at Non-LPS designated facility EDs.

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5150/5585 Authorization Revocation or Termination

The DBH Director or designee **may** revoke and/or terminate the authorization to complete 5150/5585 Applications of any individual for, but not limited to, the following circumstances:

- Consistently inappropriate 5150/5585 identification as determined by the DBH 5150/5585 training staff's review of documentation;
 - Failure to complete 5150/5585 Applications during the two (2) year period of authorization;
 - Neglecting to submit each written hold to DBH pursuant to SB 364 requirements;
 - Change of job responsibilities and/or assignment or change of employer, or
 - Failure to complete the DBH 5150/5585 training and/or pass the written exam.
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Attestation Forms

Authorized professionals will be provided with an Attestation Form issued by DBH, including : IC

- Expiration date;
- Personal control number, and
- Email address for submitting written holds.

Note: It will be the responsibility of the agency/facility to obtain the Attestation Form from the authorized professional upon termination of employment and to submit form to Medical Services.

Related Policy or Procedure

DBH Standard Practice Manual :

- 5150/5585 Transportation Policy ([CLP0829](#))
 - 5150/5585 Transportation Procedure ([CLP0829-1](#))
 - DBH Information Notice [17-05](#) – Regulations Involving WIC 5150/5885
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Reference(s)

- Criteria for Designation of Facilities
 - DBH Information Notice (17-05)
 - California Health and Safety Code, Section 1799.111
 - Lanterman-Petris-Short Act, Section 5150 et seq., 5250 et seq., 5260 et seq. and 5300 et seq.
 - Welfare Institutions Code, Section 5121
 - Welfare Institutions Code, Sections 5150 and 5585.50
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