



## Behavioral Health Administration

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**To:** Non-Designated Medical Hospitals, Emergency  
Departments and Crisis Stabilization Units within  
San Bernardino County

**From:** San Bernardino County, Department of Behavioral Health (DBH)

**Date:** March 14, 2023

**Subject:** Assembly Bill (AB)2275 Implementation for San Bernardino County

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- The purpose of this letter is to provide guidance regarding implementation of AB 2275 (amendment to LPS Act) in San Bernardino County.
- This letter does not constitute legal advice. Please consult facility leadership and designated legal counsel.
- AB2275 amends WIC §5150 et al, specifically pertaining to involuntary commitment at any facility, including non-LPS designated facilities [i.e., emergency departments (ED), medical hospitals, Crisis Stabilization Units] when a patient is not released after the initial 72-hour detention. This law went into effect on January 1, 2023.

### In Summary, AB2275:

- Specifies the 72-hour period of detention begins when a person is first detained pursuant to WIC §5150.
- Requires a facility detaining a person pursuant to WIC §5150 to notify the County Office of Patients' Rights if the person has not been released within 72 hours from the initial detention.
  - Please review Guidance for Detaining Person by 5150 Application (PR006) available on the [DBH website](#).
- Provides due process protection when a person remains detained in a facility more than 72-hours and has not been certified for intensive treatment pursuant to WIC §5250.
- Requires a Certification Review Hearing (CRH) be held within 7-days from the date the person was initially detained pursuant to WIC §5150, unless judicial review (writ of habeas corpus) has been requested by the person or a person acting on their behalf [WIC 5256(b)]; or unless voluntary detainment is agreed upon by patient in writing.
- CRH must be conducted in accordance with WIC §5256.1 – §5256.7

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- Expands the right to judicial review by writ of habeas corpus to all persons detained by WIC §5150 **and** held longer than 72 hours (WIC §5275).

The accompanying documents provide further clarification of the requirements, responsibilities and extended due process rights dictated by AB2275. These documents also provide information and guidance on the San Bernardino County CRH process for non-designated facilities. San Bernardino County Office of Patients' Rights will continue to provide updates via Department of Behavioral Health (DBH) Office of Patients' Rights webpage, as further information is obtained by California Department of Health Care Services (DHCS) regarding AB2275 implementation.

**Accompanying Documents (posted on DBH Office of Patients' Rights webpage):**

- [AB 2275 Bill Text](#)
- [Notice of Patients' Entitlement](#)
- [AB2275 Flow Chart](#)
- [Guidance for 5150 Detainment](#)

If you have any questions or concerns regarding this informational letter, please contact the Office of Patients' Rights or DBH Directors/designee.

Regards,

Office of Patients' Rights  
Department of Behavioral Health  
San Bernardino County