

AB2275: LPS Act Amendments to Expand Due Process Rights



San Bernardino County
Office of Patients' Rights

(3/2023; Update 3/2025)

Office of Patient Rights

- Mariam Aldaz, *Chief Patients' Rights Advocate*
- Gavina Urena, *Office Assistant III*
- Jennifer Arnold Weaver, *Clinical Therapist II*
- Kellie Bougard Jordan, *Clinical Therapist II*
- Jose Orrostieta, *Social Worker II*
- Sally Mitchell, *Social Worker II*
- Angelica Rea, *Social Worker II*
- Bethany Sahagun, *Social Worker II Trainee*

850 E. Foothill Blvd.

Rialto, CA 92376

Phone: 909-421-4657

Toll Free: 800-440-2391

Fax: 909-421-9258

Email: DBH-PatientsRightsOffice@dbh.subcounty.gov

Our job is to create a county in which those who reside and invest can prosper and achieve well-being. www.SBCounty.gov

Mission Statement

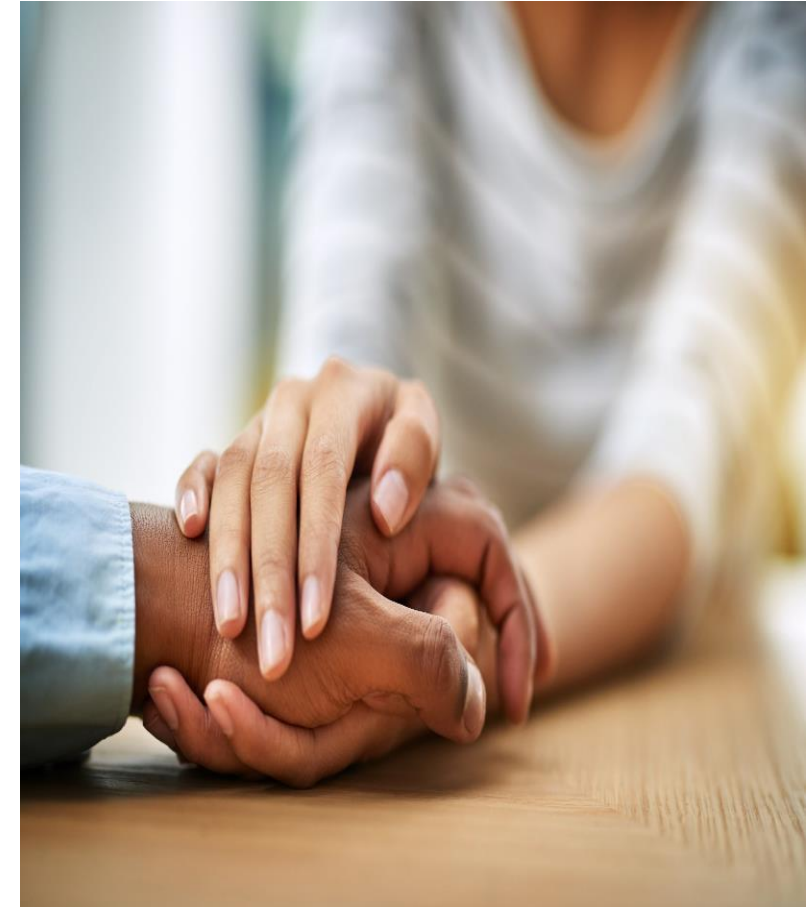
Our mission is to advocate for, and protect, the legal, civil and human rights of all behavioral health consumers in San Bernardino County.

Our goal is achieved by:

- Supporting the patients' expressed needs
- Monitoring of our LPS Facilities and Locked Residential Facilities
- Providing Patients' Rights training to behavioral health providers
- Advocating and promoting the treatment of patients with dignity and respect
- Investigate patient grievances pertaining to patient rights violations

Presentation Summary

- LPS Act Intent
- AB2275
 - Background
 - Purpose and Intent
 - What Does it Require?
- Due Process Rights
- Responsibilities of Non-Designated Facilities
- Role of County Patients' Rights Office
- LPS Holds and Hearings
- AB2275 – Entities Impacted
- AB2275 – Factors to Consider for Implementation
- References
- Resources



Lanterman-Petris-Short (LPS) Act

History:

- Signed into law in 1967
- Applies to mentally disordered, developmentally disabled and mentally impaired due to chronic alcoholism
- Governs involuntary civil commitment for psychiatric treatment
- Established a state Patients' Rights Office/Advocacy System

Intent of Lanterman-Petris-Short (LPS) Act

The Intent of LPS is to:

- End inappropriate, indefinite, and involuntary commitment
- Provide prompt evaluation and treatment
- Safeguard individual rights through judicial review
- Encourage the full use of all existing agencies
- Provide individualized treatment, supervision, and placement services through a conservatorship program
- Protect mentally challenged persons from criminal acts
- Guarantee and protect public safety

[Welfare and Institutions Code (WIC) §5001 et seq.]

Assembly Bill (AB) 2275 Background

December 2021:

- A committee gathered to examine the application of LPS Act and how it may be improved.
- It was noted that there was significant inconsistencies of LPS Act implementation across the state.

AB2275 Purpose and Intent

AB2275:

- Approved by Governor Newsom and Chaptered on September 30, 2022
- **Amends WIC Sections 5150, 5151, 5256, 5275, 5350, 5354, and 5585.20**
- Effective January 01, 2023

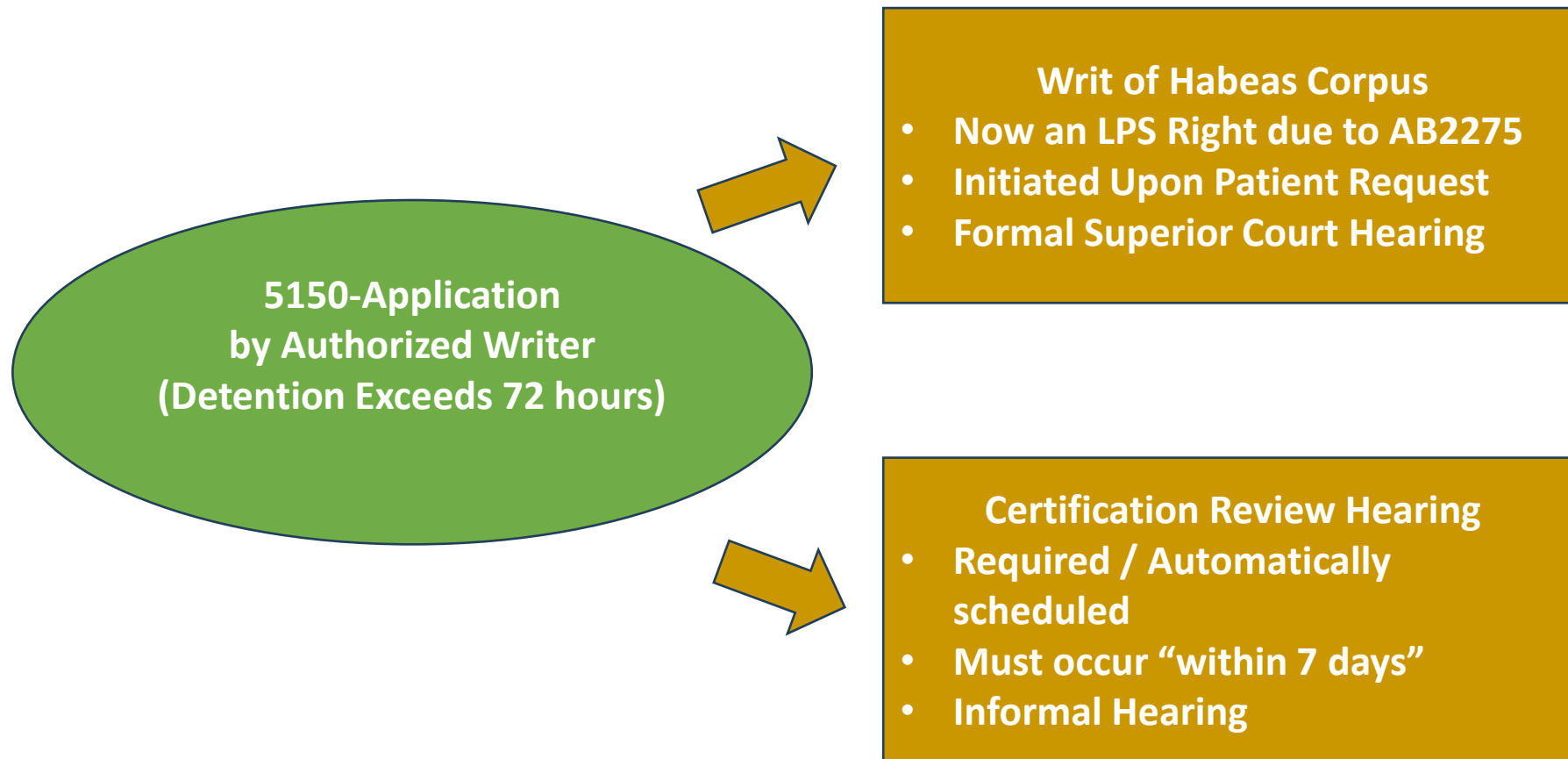
AB2275 - Summary of Provisions

- Specifies 72-hour period of detention begins at the time when a person is first detained
- Removed time constraints for postponement of the Certification Review Hearing (CRH)
- Requires **any facility** who detains a person pursuant to WIC 5150 to notify the County Patients' Rights Advocate if a person has not been released within 72 hours of the hold (**NOTE: The Office of Patients' Rights should only be notified at the conclusion of the 72-hour hold.**)
- Requires a CRH to be held within 7 days of the date the person is initially detained when a person has not been certified for 14-day intensive treatment **and remains detained on a 72-hour hold**
- Requires the person in charge of the county designated facility, or an individual designated by the county if the person is not in a designated facility, to notify the detained person of specified rights.
- Extends the right to a Writ of Habeas Corpus to every person detained under this part if held in a facility longer than 72 hours.
- Applies AB2275 provisions equally to minors

AB2275 - Responsibilities of the Non-Designation Facility

- Adhere to the WIC § 5150 established start time of the 72-hour period of detention
- Comply with WIC § 5150(f) - Notify County Patients' Rights Office of persons "not released within 72-hours"
- Comply with WIC § 5256(b) - CRH for person not released within 72-hours
- Comply with CRH process outlined under WIC § 5256.1- 5256.7
- CRH to be provided within 7-days of initial WIC § 5150 detention
- Comply with WIC § 5275- Judicial Review by Writ of Habeas Corpus
 - When a patient **requests release** from detention
 - Notify the Superior Court of the request for release IMMEDIATELY
 - Complete Petition for Writ of Habeas Corpus and submit it to the Superior Court
 - A request for release may be made to any member of the treatment staff if not released after the 72-hour detention
 - Anyone acting on behalf of the patient may also make the request for release

Detention and Due Process Flow – AB2275



Question:

What is the significance of the WIC 5256(b) requirement for Certification Review Hearing to be held “within 7 days”?

Answer:

The 3 days of 5150 is added to the WIC 5256(a) requirement for a Certification Review Hearing to be held within 4 days (3+4 days= 7days)

AB2275 Judicial Review Hearings

Certification Review Hearing

- Administrative Hearing (informal)
- Hearing occurs remotely via telephone
- Required/ automatically scheduled following the expiration of the 72 hour hold and if the individual is not certified by an LPS Designated Facility
- Must be held within 7 days after WIC 5150 application
- San Bernardino County requires that non-designated facilities contract a Hearing Officer for AB2275 hearings (**NOTE: If a non-designated facility does not have a contracted Hearing Officer, the facility will inform the patient of their right to a Writ of Habeus Corpus**)

Judicial Review by Writ of Habeas Corpus

- Formal Superior Court Hearing
- Upon a request for release by the person, or anyone acting on behalf of the person being detained
- Evidentiary Hearing scheduled in accordance with SB County Superior Court procedures

AB2275 – Role of County Patients' Rights Office

- Receive notifications of persons “not released within 72-hours”
- Extend advocacy services to persons detained in any facility under this part
- Educate persons detained in any facility under this part on due process rights
- Represent the detained person at their Certification Review Hearing
- Notify DBH Director/designee of any compliance concerns

AB2275 Entities Involved

- San Bernardino County, Department of Behavioral Health
 - Office of Patients' Rights
- Non-LPS designated facility who detains persons on WIC 5150
 - May include General Acute Hospital, Emergency Department of non-designated hospital; Crisis Stabilization Unit, and Crisis Walk-In Clinic
- Superior Court of California – San Bernardino County
 - Mental Health Counselor's Office
- San Bernardino County Counsel and Hartnell Law Group -Patients' Attorney for Writ Hearings
- County approved Hearing Officers – Presides over Certification Review Hearings
- County designated LPS hospitals

AB2275 Due Process Guide

Involuntary Detention & LPS Rights	5150 (Up to 72-Hours)	5150 (Beyond 72-Hours)	
Criteria	Danger to Self (DTS), Danger to Others(DTO), and/or Gravely Disabled (GD)	Danger to Self (DTS), Danger to Others(DTO), and/or Gravely Disabled (GD)	
Legal Process	Initiated by Peace Officer- or- County Certified 5150 Writer	Initiated by Peace Officer- or- County Certified 5150 Writer	
Due Process Rights	N/A	Writ of Habeas Corpus	Certification Review Hearing (CRH)
Hearing Details	N/A	<ul style="list-style-type: none"> • Upon Patients’ Request* • Superior Court Hearing • LPS Right ** 	<ul style="list-style-type: none"> • Required/Automatic • Administrative Hearing • Within 7 days from start of involuntary detention • LPS Right
Order of Due Process	N/A	If Patient requests a Writ of Habeas Corpus prior to CRH, then CRH is forfeited.	After CRH occurs, patient still has the option to request a Writ of Habeas Corpus if detention continues.

Please Note: WIC § 5003: Nothing in this part (LPS ACT) shall be construed in a way as limiting the right of any person to make a voluntary application at any time to any public or private agency or practitioner for mental health services, either by direct application in person, or by referral from any other public or private agency or practitioner.

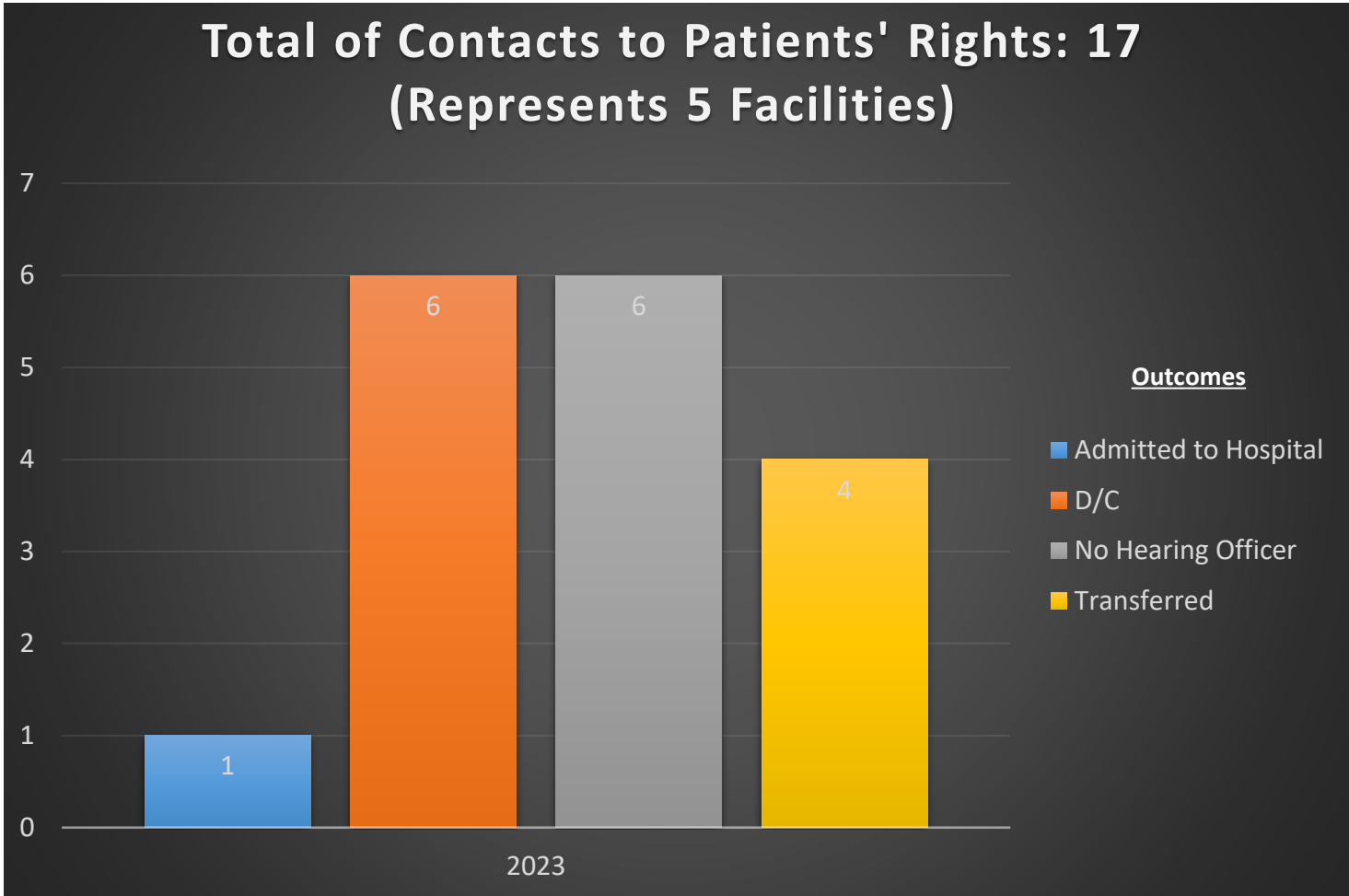
*Hospital Staff is responsible for notifying the Mental Health Court Counselors Office upon the patients request for a Writ of Habeas Corpus.

** The patient may request a Writ of Habeas Corpus anytime if detained beyond 72-hours (LPS Patients’ Rights).

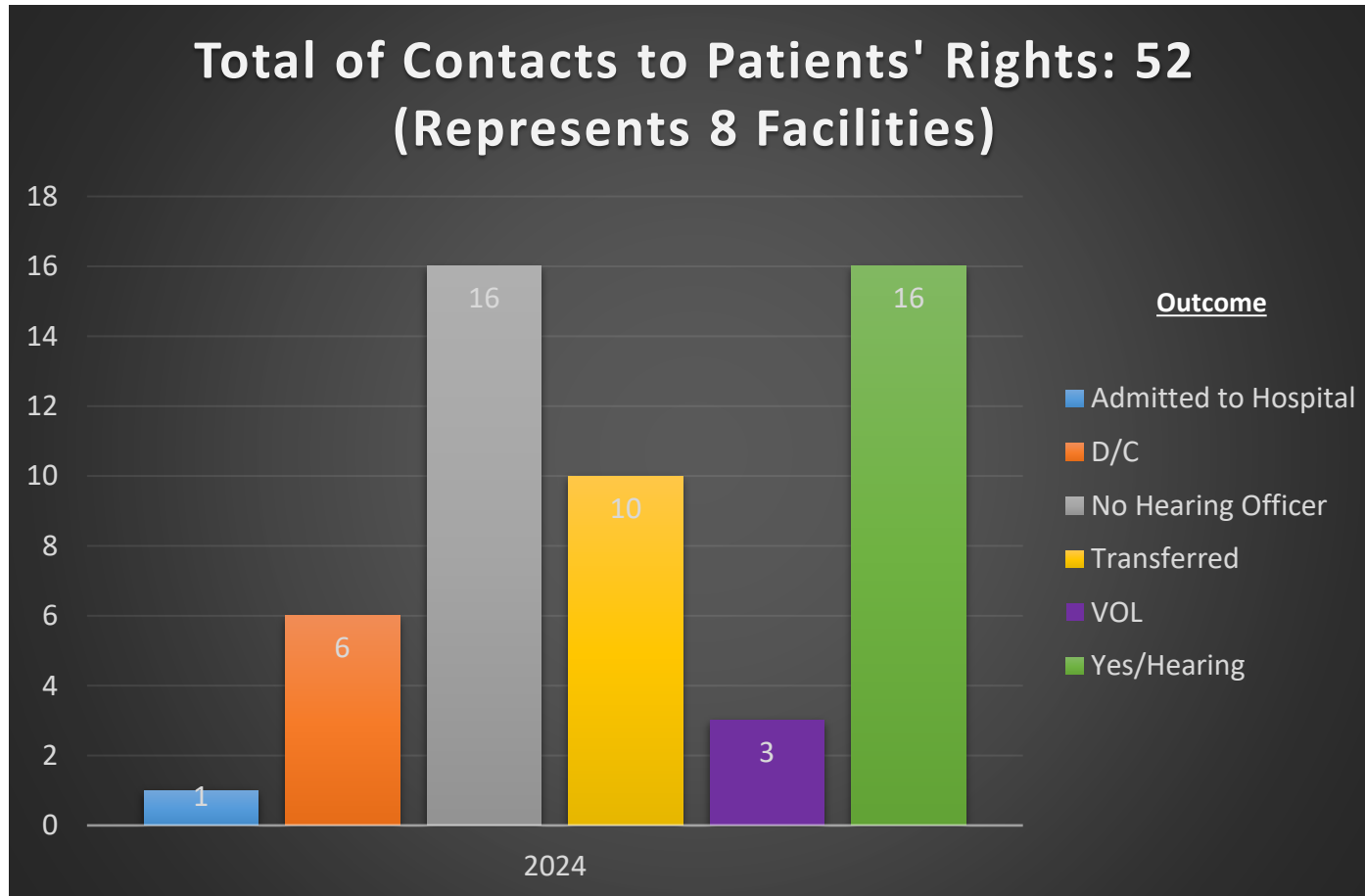
AB2275 Implementation

- AB2275 was implemented in San Bernardino County beginning March 2023
- A series of collaborative meetings were held via partnership with Hospital Association of Southern California (HASC) and countywide non-designated facilities
- Patients' Rights has been tracking post 72-hour reporting (in accordance with AB2275) from non LPS facilities since 2023

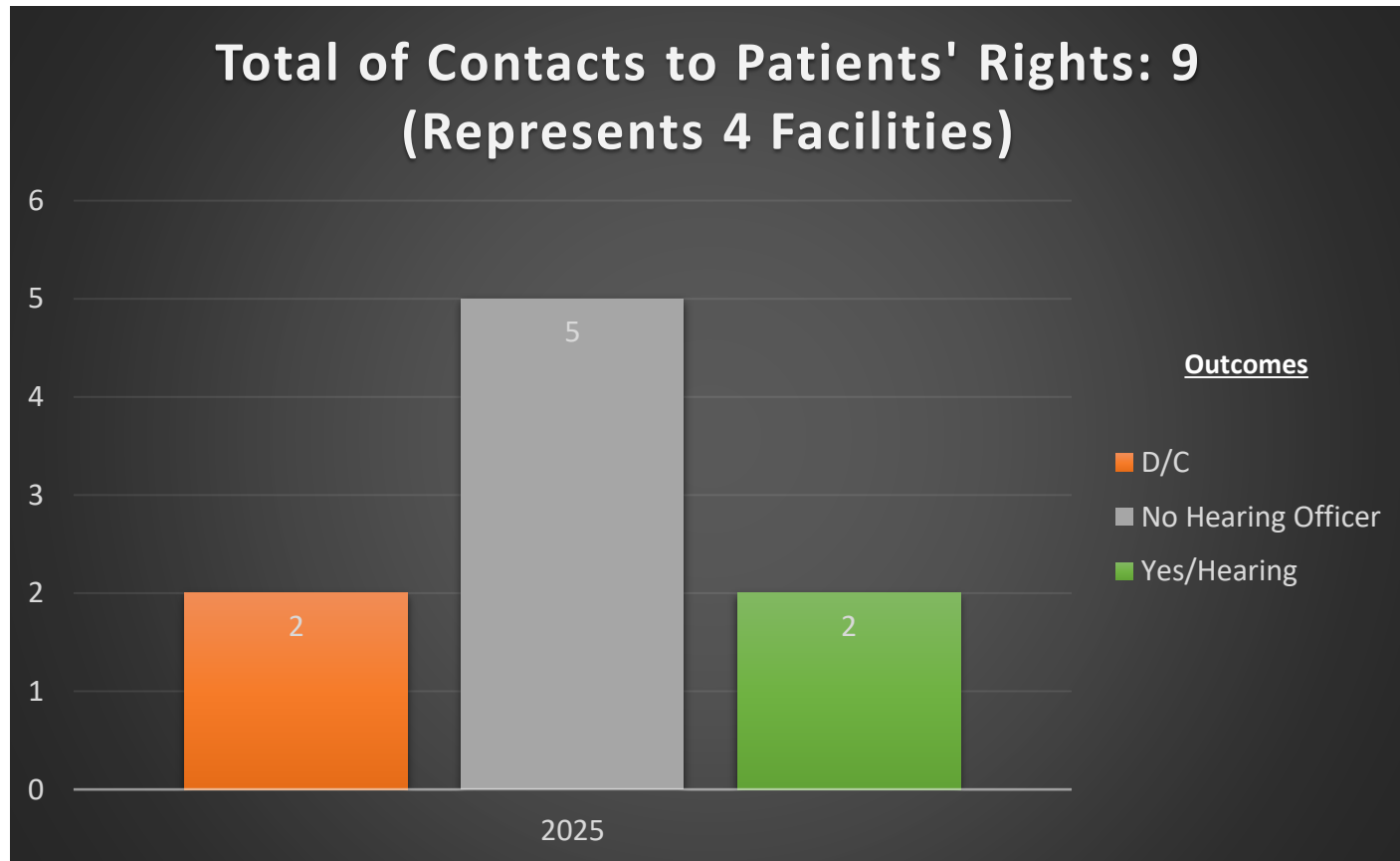
2023 Non-LPS Designated Facility Reporting



2024 Non-LPS Designated Facility Reporting



2025 Non-LPS Designated Facility Reporting



References

For complete reference to AB2275 open the following link to the California Legislative Information website:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2275

San Bernardino County Resources

Voluntary Services

Crisis Residential Treatment (CRT)

Casa Paseo Center

720 E. Gilbert St., San Bernardino
(909) 332-6000

Wellspring Center

15217 San Bernardino Ave,
Fontana
(951) 643-2150

Desert Hill Center

16552 Sunhill Drive, Victorville
(760) 780-4400

Morona Oasis Center

60805 29 Palms Hwy., Joshua Tree
(760) 974-5999

**Mobile Crisis Response
NOW AVAILABLE 24/7**

**Call (800) 398-0018
Text (909) 420-0560**

This is a free, confidential, 24/7/365 behavioral health service that connects people with behavioral health support via phone call or text. There are many reasons someone may reach out for support and we are here for you.

**Everyday
All Day**

  Behavioral Health

Crisis Stabilization Units (CSU)

Merrill Center

14677 Merrill Avenue, Fontana
(951) 643-2340

Windsor Center

1481 N. Windsor Drive,
San Bernardino
(909) 361-6470

Crisis Walk-In Centers

12240 Hesperia Road, Victorville
(760) 245-8837

7293 Dumosa Avenue, #2
Yucca Valley
(760) 365-2233

County Designated LPS Facilities

Arrowhead Regional Medical Center

400 N Pepper Ave, Colton, CA 92324 (909) 580-1000

Community Hospital of San Bernardino

1805 Medical Center Dr, San Bernardino, CA 92411 (909) 887-6333

Jerry Pettis Memorial Veterans Hospital

11201 Benton St, Loma Linda, CA 92357 (909) 825-7084

Loma Linda Behavioral Medicine Center

1710 Barton Rd, Redlands, CA 92373 (909) 558-9275

**Adults, Adolescents and Children*

Canyon Ridge Hospital

5353 G St, Chino, CA 91710 (909) 590-3700

**Adults and Adolescents*

Outpatient Clinics

EAST VALLEY

Mesa Counseling Services

850 E. Foothill Blvd., Rialto
(909) 421-9301

Phoenix Community Counseling Center

820 E. Gilbert St., San Bernardino
(909) 387-7200

South Coast Community Services

1030 Nevada St., Ste. 200, Redlands
(909) 792-0747

34324 Yucaipa Blvd., Ste. B – D, Yucaipa
(909) 790-0210

Valley Star Community Services

1585 S D. St., Ste. 101, San Bernardino
(909) 388-2222

WEST VALLEY

Mariposa Community Counseling

2940 Inland Empire Blvd., Ontario
(909) 458-1350

South Coast Community Services

1425 W. Foothill Blvd., Ste. 310, Upland
(909) 835 -4800

11780 Central Ave., Ste. 205, Chino
(877) 527-7227

Vista Community Counseling

17053 E. Foothill Blvd., Fontana
(909) 347-1300

West End Family Counseling

855 N. Euclid Ave., Ontario
(909) 983-2020

*closed on Friday

Outpatient Clinics

DESERT MOUNTAIN

Apple Valley Community Clinic

18818 Highway 18, Apple Valley
(760) 995-8800

Barstow Counseling Center

1841 E. Main St., Barstow
(760) 255-5700

Family Services Agency

11424 Chamberlaine Way, Ste. 11-12,
Adelanto (760) 246-0947

23406 Crestforest Dr.,
Crestline (909) 338-4689

Victor Valley Behavioral Health

12625 Hesperia Rd.,
Victorville (760) 995-8300

Victorville Center

12188 Hesperia Rd.,
Victorville (760) 477-2199

Needles Behavioral Health Center

1600 Bailey Ave., Unit 2, Needles
(760) 326-9313

*closed every other Friday

Lutheran Social Services

82820 Trona Rd., Trona (760) 372-5159

32770 Old Woman Springs Rd., Ste. C,
Lucerne Valley (760) 248-6612

41945 Big Bear Blvd., Ste. 222,
Big Bear Lake (909) 866-5070

MORONGO BASIN

Valley Star Yucca Adult (FSP)

7281 Dumosa Ave., Ste. 4,
Yucca Valley (760) 853-4755

SUD Outpatient Clinics

WEST VALLEY

Mariposa Community Counseling

2940 Inland Empire Blvd., Ontario
(909) 458-1376

Clare-Matrix

812 N. Euclid Avenue Ontario
(909) 395-0888

Inland Valley Recovery Services Upland Recovery Center

934 N. Mountain Ave. Suite A, B, C & D,
Upland
(909) 949-4667

EAST VALLEY

Cedar House Life Change Center

18612 Santa Ana Avenue, Bloomington
(909) 421-7120

Rialto Behavioral and Addiction Treatment Services

850 E. Foothill Blvd., Rialto
(909) 421-9465

Inland Behavioral & Health Services (IBHS), Inc.

1963 North E Street, San Bernardino
(909) 881-6146

Phoenix Substance Use Disorder and Recovery Services

820 E. Gilbert Street San Bernardino
(909) 386-8510

SUD Outpatient Clinics

DESERT MOUNTAIN

Apple Valley Recovery Center

US Highway 18, Apple Valley
(760) 995-8083

Barstow Behavioral Health Center

1841 E. Main Street, Barstow
(760) 255-5700

High Desert Child, Adolescent and Family Services Center, Inc

225 Barstow Road, Barstow
(760) 255-1083

High Desert Child, Adolescent & Family Center Services Center, Inc.

16248 Victor Street, Victorville (760) 243-7151

High Desert Child, Adolescent & Family Center Services Center, Inc.

58945 Business Center Dr. Suite J, N, and P,
Yucca Valley (760) 610-6466

For more information on additional services:

Substance Use Disorder & Recovery Services (SUDRS)

658 E. Brier Drive, Ste. 350, San Bernardino
(800) 968-2636



Specific Populations

EMQ Children & Family Services

572 N. Arrowhead Ave., Ste. 100,
San Bernardino (909) 266-2700

High Desert Child, Adolescent & Family Services Center

16248 Victor St., Victorville
(760) 243-7151

**Project Sister Family Services
Rape/Sexual Assault Crisis Counseling**

363 S. Park Ave., Ste. 303, Pomona
(909) 623-1619

San Bernardino Sexual Assault Services

444 N. Arrowhead Ave., Ste. 101,
San Bernardino (909) 885-8884

Valley Star Children & Family Services

1585 S. D St., Ste. 101, San Bernardino
(909) 388-2222

Victor Community Support Services

1908 Business Center Dr., Ste. 220,
San Bernardino (909) 890-5930

15095 Amargosa Rd., Ste. 201,
Victorville (760) 245-4695

Additional Resources

ACCESS UNIT - Behavioral Health Helpline (888) 743-1478

Screening Assessment & Referral Center (SARC) 909.421.4601

Recovery Based Engagement Support Team (RBEST) 909.421.9452

Triage, Engagement & Support Teams (TEST) 909.873.4409

Innovative Remote Onsite Assistance Delivery (INNROADs) 909.421.4612

Homeless Outreach & Support Team (HOST) 909.387.7406

Homeless Outreach & Proactive Enforcement (HOPE) 909.387.0623

Office of Patients' Rights 909.421-4657