

AB2275: LPS Act Amendments to Expand Due Process Rights



San Bernardino County
Office of Patients' Rights

Office of Patient Rights

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Fax: 909-421-9258
Email: DBHPatientRightsOffi@dbh.sbcounty.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

We safeguard the rights, dignity, and safety of individuals receiving behavioral health services by:

- **Supporting** patients' expressed needs
- **Monitoring** LPS and locked residential facilities
- **Investigating** patients' right-related grievances
- **Providing** LPS patients' rights training to behavioral health providers
- **Promoting** respectful, rights-centered care

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

***Note: With the implementation of SB43 in April 2025 , the LPS Act also applies to individuals who are unable to care for themselves due to severe substance use disorder (SUD), or a co-occurring mental health disorder and severe SUD.**

Intent of Lanterman-Petris-Short (LPS) Act

The Intent of LPS Act is to:

- End inappropriate, indefinite involuntary commitment
 - Ensure prompt evaluation & treatment
 - Protect individual rights through judicial review
 - Provide individualized treatment, supervision, and placement services through a conservatorship program
 - Protect mentally challenged individuals from criminal acts
 - Maintain public safety
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- [Welfare and Institutions Code (WIC) §5001 et seq.]

Assembly Bill (AB) 2275 Background

December 2021:

- State 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:

- 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

AB 2275 introduced several important changes:

- The 72-hour detention period now clearly begins at the **moment the person is first detained**.
- Time limits to postpone the Certification Review Hearing (CRH) were removed.
- Facilities must notify the County Patients' Rights Office when a person is still detained at the conclusion of 72 hours. (**NOTE: The Office of Patients' Rights should only be notified at the conclusion of the 72-hour hold.**)
- If a patient has not been certified for 14-day intensive treatment and remains detained on a 5150, a CRH must occur within 7 days of initial detention.
- Facilities, designated or not, must notify detained individuals of their rights.
- The right to a hearing by Writ of Habeas Corpus is expanded to all individuals under the LPS Act.
- Applies AB2275 provisions equally to adults and minors.

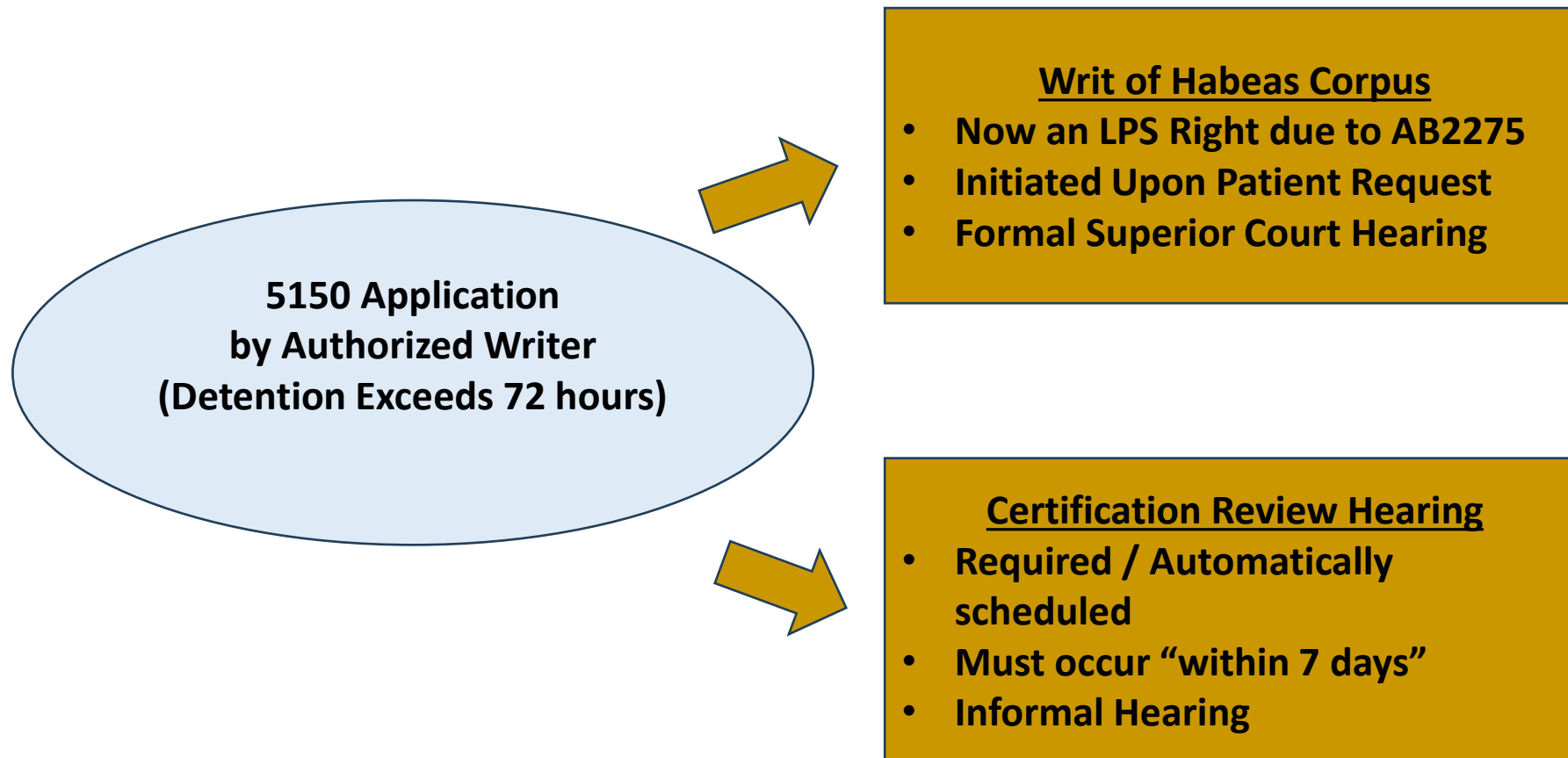
AB2275 - Responsibilities of the Non-LPS Designated Facility

For facilities that are not LPS designated, AB2275 adds several key requirements:

- Follow the correct start time for the 72-hour hold
- Notify the Patients' Rights Office when the patient is **not released** within 72 hours
- Ensure a CRH is completed if the patient is still detained at 72 hours
- Ensure the CRH is held within 7-days from the start of the detention
- Inform patients about the right to file a Writ of Habeas Corpus
 - Notify the Superior Court immediately when a patient requests a Writ
 - Complete the Writ petition and submit it to the court
 - Complete Petition for Writ of Habeas Corpus and submit it to the Superior Court
 - Note that requests for release may come from the patient or *anyone* acting on their behalf

***These responsibilities are critical to legal compliance and patient protections.**

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 Habeas 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 individuals “not released within 72-hours”
- Provide advocacy services to individuals detained in any facility
- Educate individuals on due process rights
- Represent individuals during Certification Review Hearings
- Report compliance concerns to DBH leadership

AB2275 Entities Involved

AB 2275 involves multiple partners:

- San Bernardino County, Department of Behavioral Health
 - Office of Patients' Rights
- County LPS designated facilities and non-LPS designated facilities who detain individuals 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 facility	
Due Process Rights	Writ of Habeas Corpus	Writ of Habeas Corpus	Certification Review Hearing (CRH)
Hearing Details	• Upon Patients' Request* • Superior Court Hearing • LPS Right **	• Upon Patients' Request* • Superior Court Hearing • LPS Right **	• Required/Automatic • Administrative Hearing • Within 7 days from start of involuntary detention • LPS Right
Order of Due Process	If Patient requests a Writ of Habeas Corpus prior to CRH, then CRH is forfeited.	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.

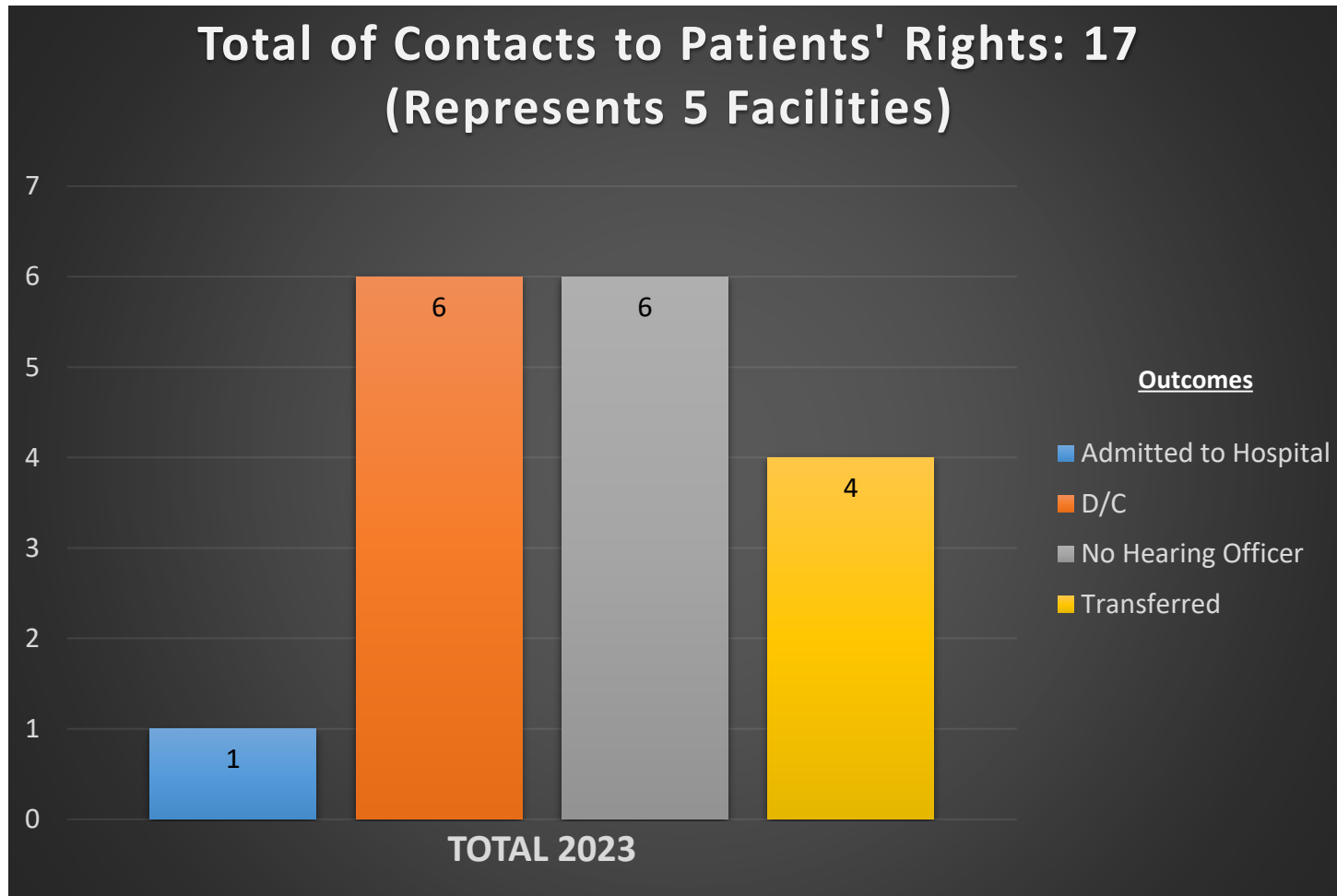
***Hospital Staff is responsible for notifying the Mental Health Court Counselor's Office upon the patient's request for a Writ of Habeas Corpus.**

**** The patient may request a Writ of Habeas Corpus anytime during detainment (LPS Patients' Rights).**

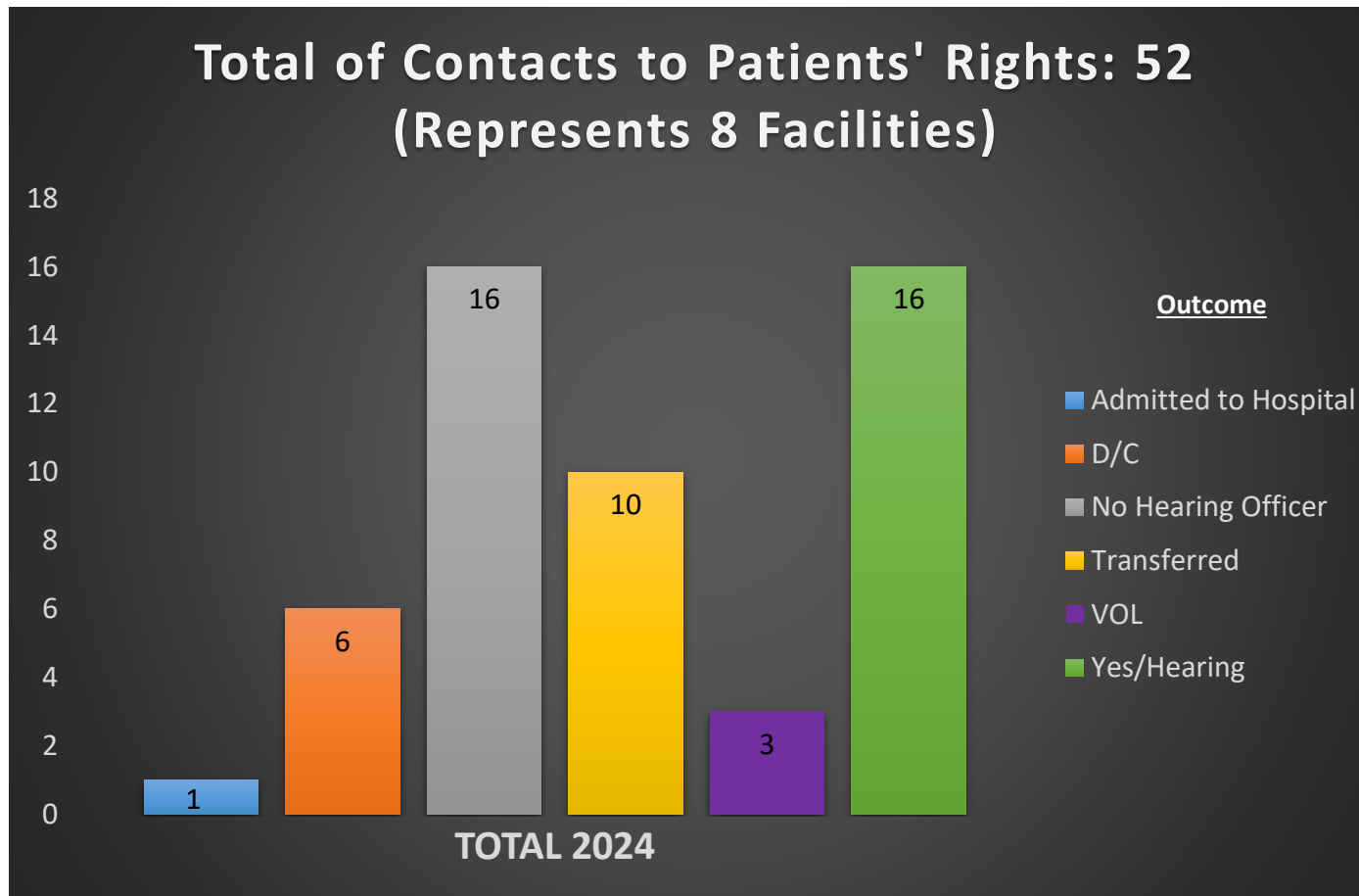
AB2275 Implementation

- 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

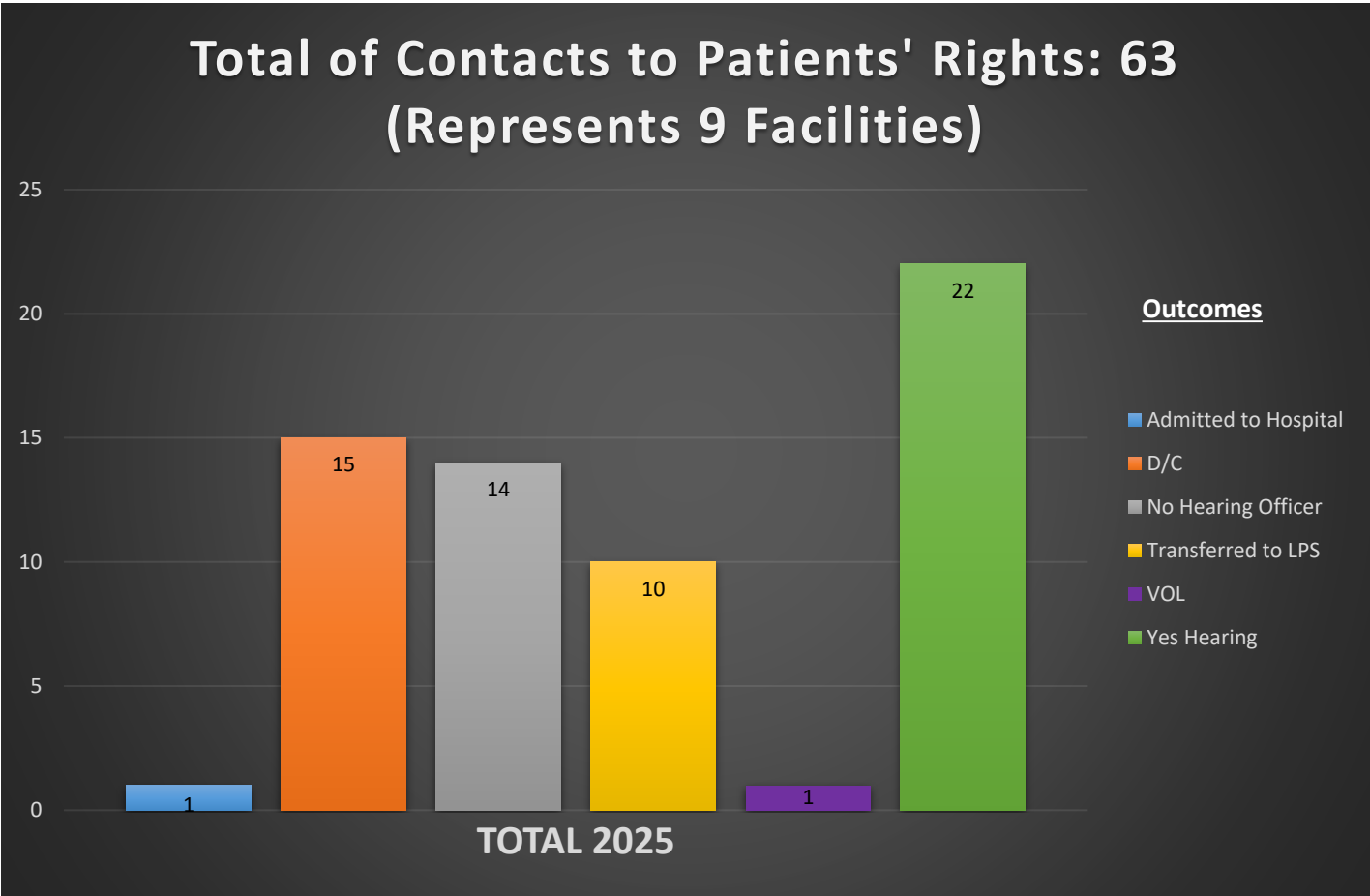
2023 Non-LPS Designated Facility Reporting



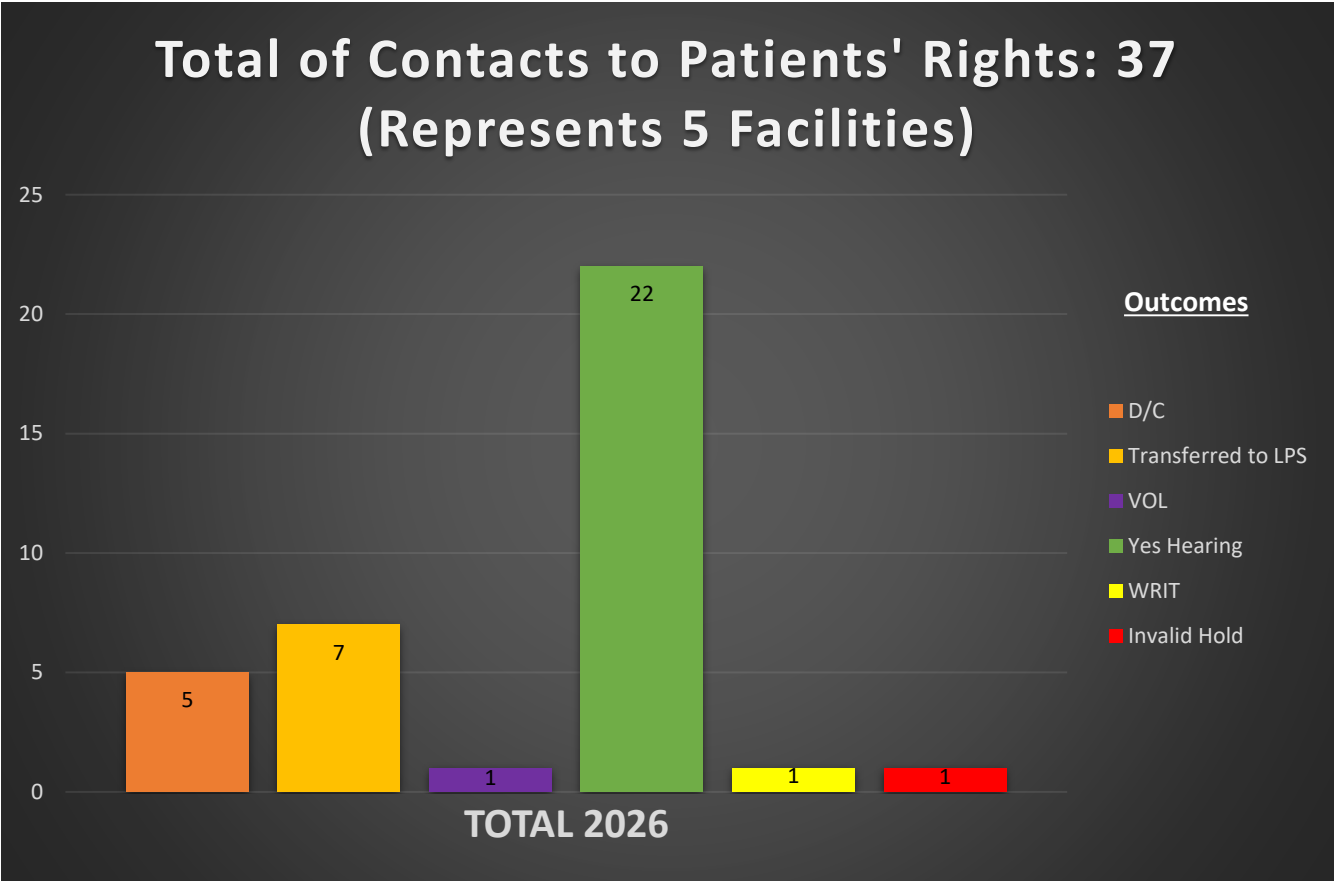
2024 Non-LPS Designated Facility Reporting



2025 Non-LPS Designated Facility Reporting



2026 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



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



Visit our website at: sbcounty.gov/dbh/

Helplines available 24/7/365

**Access Unit
(Behavioral Health
Helpline)
(888) 743-1478**

**Screening Assessment and
Referral Center (Substance Use
Disorder Helpline)
(800) 968-2636**

**Community Crisis Response
Teams
Call (800) 398-0018 or
text (909) 420-0560**