

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

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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) and staff at Lanterman-Petris-Short (LPS) designated hospitals or qualified personnel at Non-LPS Emergency Departments (ED) or units, correctly interpret and implement Welfare and Institutions Code (WIC) §5150 and §5585.

Purpose To outline requirements and provide instruction for implementation of the LPS Act, §5150 et seq., §5250 et seq., §5260 et seq., §5300 and §5585 et seq. throughout San Bernardino County (County) under the direction of the Director of DBH and/or designee as authorized by law and the County Board of Supervisors.

Definitions **5150/5585:** Sections of the California Welfare and Institutions Code that authorize a peace officer, a member of the attending staff, or professional person designated by the county to take an individual into custody for a period of up to 72 hours for assessment, evaluation and crisis intervention, or placement for evaluation and treatment in an LPS Designated Facility if the individual is a danger to self, danger to others, or gravely disabled due to mental health disorder and/or severe substance use disorders.

Lanterman-Petris-Short (LPS) Act: Provides the statutory framework for the commitment of individuals with behavioral health disorders and/or severe substance use disorders and provides protection for the legal rights of such individuals.

Lanterman-Petris-Short (LPS) Designated Facility: A facility that has been designated by the County Board of Supervisors, DBH Director and approved by the State to provide involuntary psychiatric evaluation and treatment to persons who are a danger to self, danger to others, or gravely disabled due to a behavioral health disorder.

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

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

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Authorization Granted by WIC §5150/5585

The professional person in charge or member of the attending staff of a designated hospital, hospital unit, or crisis unit is authorized by WIC §5150 and §5585 to complete an Application for Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation or Treatment [§5150 (Detention of Mentally Disordered Persons for Evaluation and Treatment) and §5585 (Children's Civil Commitment and Mental Health Treatment Act of 1988) 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;
- Licensed Psychiatric Technician;
- Licensed Professional Clinical Counselor, and
- Licensed Psychologist.

Note: License must be from the State of California except for federally licensed staff from the County 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.

Qualified professionals include the following:

- 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.

Associate/Resident Exception

The Director of DBH or designee may grant an exception for pre-licensed clinicians, first-year resident physicians, and second-year resident physicians from the approved sites listed below to be designated authority to complete 5150/5585 Applications under the direct supervision of licensed staff designated/approved by the DBH Director or designee.

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- Approved Sites** Qualified professionals may only be authorized to complete 5150/5585 applications if they are from a site that has been approved by the DBH director or designee. Approved sites must be part of one of the following:
- DBH Outpatient Clinics;
 - Outpatient Provider with a current contract with an Emergency Department;
 - Crisis System of Care Programs, or
 - Hospital Emergency Departments

Site Approval:

Sites shall submit their request for site approval to DBH via email at DBH-5150Cert@dbh.sbcounty.gov.

Subject line of email should state "Site Evaluation – (Name of Agency)"

5150/5585 Training and Examination

All persons requesting authorization to complete 5150/5585 Applications shall follow the guidance below:

- Complete the DBH 5150/5585 training;
- Pass a written (hand or electronic) examination, 5150/5585 operational procedures will be defined during the training session;
 - Persons who do not pass the 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 exam, the person will be granted authorization to complete 5150/5585 Applications for a two (2) year period, and
- Prior to expiration of the two (2) year period the authorized person is required to repeat 5150/5585 training and pass the exam to renew authorization.

DBH will support agencies by providing:

- Training during each calendar year:
 - A list of training dates will be provided to all agencies through yearly registration announcements and during DBH bi-monthly collaborative committee meetings.
- Additional technical support to Emergency Departments (EDs) is available upon request. To request additional support, EDs may email: dbhtraining@dbh.sbcounty.gov

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LPS Designated Hospitals

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

- Formal written request addressed to DBH Director;
- California Department of Public Health licensure;
- Staffing standards including medical director, psychologist, social worker, registered nurse, and other nursing personnel;
- Facility must have acceptable policies and procedures which adhere to the Welfare and Institutions Code, the California Code of Regulations, and the California Business and Professions Code;
- Facility has a safe, clean, and comfortable physical environment ensuring safety and meeting the clinical and physical needs of clients, and
- Understanding of all LPS requirements, including but not limited to:
 - Admission procedures;
 - Adherence to patients' rights protocols;
 - Treatment and program operations;
 - Court hearing protocols;
 - Discharge and transition planning, and
 - Physical site capacity and structure.

In addition to the above-referenced prerequisites, requesting hospitals will be subject to on-site review, program operations review and chart review(s), in addition to County Board of Supervisor approval prior to approval to become an LPS-designated facility.

Note: The above requirements also apply to currently designated hospitals planning for expansion of facility designation.

- 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.

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Non-LPS Designated Emergency Departments and other Approved Sites

DBH will support the authorization of staff from non-LPS designated Emergency Departments and other Approved Sites to complete 5150/5585 Applications by providing the following:

- 5150/5585 training and certification to qualified individuals from Non-LPS Emergency Departments and other Approved Sites;
- Up to eleven (11) active 5150 certifications to complete 5150/5585 Applications per Approved Site.
 - The number of active 5150 certifications allocated to each site will be determined on a case-by-case basis by the DBH director or designee, based on the entity's ability to justify a need for more than 11 certifications.
 - To exceed the maximum limit of 11 certifications, the entity must provide documentation to support the request to the 5150 Mailbox at DBH-5150Cert@dbh.sbcounty.gov. Documentation shall include:
 - A staffing report that demonstrates the need for additional certifications such as patient to staff report;
 - Evidence of applications written by certified staff within the past two (2) years, and
 - Proof that the employee is working at an eligible site as specified in this policy.
 - Justification must be submitted before the entity submits a registration request.
 - DBH will provide a written response to the request to exceed the maximum certifications.

Note: Per DBH Information Notice 17-05 **Regulations Regarding Welfare and Institutions Code (WIC)**, regulations involving WIC § 5151/5585 effective February 1, 2018, DBH Community Crisis Response Team (CCRT) members no longer complete 5150/5585 applications at Non-LPS designated facility EDs.

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5150/5585 Authorization Revocation or Termination

The DBH Director or designee **may** deny, suspend, 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 any 5150/5585 Applications during the two (2) year period of authorization;
- Neglecting to submit each written hold to DBH within 15 business days 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 as required.

Note: In the event of a denial, suspension, or revocation/termination of an individual's designation, the DBH Director shall provide written notification to the person who made the request for designation of the individual and the individual subject to request for designation to be a hold writer. Said notification shall contain the reasons for denial, or revocation [WIC §5121(c)].

Attestation Forms

Designated professionals will be provided with an Attestation Form issued by the DBH director or designee, including:

- Expiration date;
- Personal control number, and
- Email address DBH-5150Forms@dbh.sbcounty.gov and/or fax number (909) 421-9436 for submitting written holds.

Employee Separation

It will be the responsibility of the agency/facility to notify DBH via email at DBH-5150Cert@dbh.sbcounty.gov when a designated professional has separated from their agency/facility therefore relinquishing their hold writing privileges. Notification of separation must be made within 10 business days.

- Subject line of email should state "Employee Separation – Removal of Attestation"

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Indemnification In accordance with WIC §5154, the professional person in charge of the facility providing 72-hour treatment and evaluation, their designee, the medical director of the facility or designee, the psychiatrist directly responsible for the person's treatment, or the psychologist shall not be held civilly or criminally liable for any action by a person released before or at the end of 72 hours.

Additionally, a member of a mobile crisis team or a professional person who has been designated by the county pursuant to WIC §5121 and who detains or transports a person pursuant to WIC §5150 shall not, as a result of detaining or transporting the person, be civilly or criminally liable for any action by the person if the person is released at or before the end of the 72 hours.

Related Policy or Procedure

[DBH Standard Practice Manual and Departmental Forms:](#)

- 5150/5585 Transportation Policy (CLP0829)
 - 5150/5585 Transportation Procedure (CLP0829-1)
 - DBH Information Notice 17-05 – Regulations Involving WIC 5150/5885
 - DBH 5150-5585 Form (CLP050)
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Reference(s)

- [California Health and Safety Code, § 1799.111](#)
 - Welfare Institutions Code, § [5121](#), [5150](#), [5154](#), [5250](#), [5260](#), and [5585.50](#)
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