



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 contractor staff and licensed professionals at Lanterman-Petris-Short (LPS) designated hospitals or qualified individuals at Non-LPS Emergency Departments (ED) (or units) interpret and implement Welfare and Institutions Code (WIC) §5150 and §5585 appropriately.

Purpose To outline requirements 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 DBH Director [also referred to as Mental Health Plan (MHP) 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 of California, County of San Bernardino, Behavioral Health Counselor to initiate court-ordered evaluations, or
- Establish the County DBH Office of Patients' Rights.

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;

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**Authorization
Granted by WIC
§5150/5585,
continued**

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

Approved Sites:

- DBH Outpatient Clinics (Rural locations only)
 - Outpatient Provider with a current contract with Emergency Department
 - Crisis System of Care Programs
 - Hospital Emergency Departments
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5150/5585 Training and Examination

The following training requirements apply:

- All persons requesting authorization to complete 5150/5585 Applications shall complete the DBH 5150/5585 training and pass a written (hand or electronic) examination. 5150/5585 operational procedures will be defined during the training session.
 - Failure to pass the examination will disqualify the person from being authorized to complete 5150/5585 Applications. 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.
 - 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 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:

- Formal written request addressed to Department Director
- California Department of Public Health licensure;
- Appropriate staffing;
- Appropriate policies and procedures;
- Appropriate safety and security standards;
- 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 pre-requisites, 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, said requirements also apply to currently designated hospitals planning for expansion of facility designation.

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LPS Designated Hospitals, continued

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:

- Provide 5150/5585 training and certification to qualified individuals at Non-LPS Eds:
 - Allowed up-to eleven (11) people with active 5150 certification to complete 5150/5585 Applications. (DBH Medical Director may authorize exceptions to limit on a case-by-case basis.)
- Training availability during each calendar year:
 - List of training dates will be provided to all EDs through Hospital Association of Southern California and during DBH bi-monthly collaborative committee meetings.
- Additional technical support to EDs through monthly trainings in alternating regions of the County:
 - Trainings will include information of updated community resources to assist with discharge planning.

Note: Per DBH Information Notice - 17-05 – 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 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 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

Authorized professionals will be provided with an Attestation Form issued by DBH, 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.

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 the form to DBH Medical Services.

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.

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Indemnification continued 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)

Reference(s)

- California Health and Safety Code, Section 1799.111
- Welfare Institutions Code, Sections 5121, 5150, 5154, 5250, 5260, and 5585.50
