



<b>Health Care Agency Behavioral Health Services Policies and Procedures</b>	Section Name:	Administration
	Sub Section:	Certifications & Designations
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	SIGNATURE	DATE APPROVED
Director of Operations Behavioral Health Services	<u>Signature on File</u>	<u>8/30/17</u>

**SUBJECT:** Lanterman-Petris-Short Act (LPS) Designation of Individuals

**PURPOSE:**

To provide a framework for private sector mental health providers to become designated to initiate 5150/5585 involuntary psychiatric holds in accordance with California Welfare and Institutions Code Division 5, Chapter 2, Article 1, Section 5150 and Division 5 Part 1.5, Chapter 2, Section 5585 (hereafter referred to as 5150/5585 involuntary holds).

**POLICY:**

Unless otherwise authorized by law, private sector mental health providers and emergency department physicians must obtain prior approval from the Orange County Health Care Agency (HCA) Behavioral Health Services' (BHS) Deputy Agency Director (hereafter referred to as the BHS Director) or designee to initiate 5150/5585 involuntary holds in Orange County Designated facilities.

**SCOPE:**

The provisions of this policy are applicable to Facilities and to HMOs in Orange County that wish to obtain designation privileges for qualified staff in their facilities.

**REFERENCES:**

Welfare and Institutions Code, Division 5. Community Mental Health Services [5000-5912]. Part 1. The Lanterman-Petris-Short Act (LPS) [5000-5550], Chapter 1. General Provisions [5001-5121] and Chapter 2. Involuntary Treatment [5150-5349.5]

Welfare and Institutions Code, Division 5. Community Mental Health Services Part 1.5 Children's Civil Commitment and Mental Health Treatment Act of 1988. Chapter 1: General Provisions [5585-5585.25] and Chapter 2: Civil Commitment of Minors [5585-5585.59]

**DEFINITIONS:**

5150/5585- Sections of the California Welfare & Institutions Code that authorizes a peace officer, a member of the attending staff, or professional person designated by the county to

take an adult/minor into custody for a period of up to 72 hours for assessment, evaluation and crisis intervention, or placement for evaluation and treatment in a Designated Facility if he or she is a danger to self, danger to others, or gravely disabled due to mental health disorder.

Designated Facility- a facility that has been designated by the County Board of Supervisors 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 mental health disorder.

Designated Individual- a mental health provider who has been granted 5150/5585 individual designation privileges by the BHS Director or designee.

Designated Emergency Department Physician- an emergency department physician who has been granted 5150/5585 individual designation privileges by the BHS Director or designee.

Facility – Either Designated Facility or Non-Designated Facility

Health Maintenance Organization (HMO)- an organization that provides health care to people who make regular payments to it and who agree to use the doctors, hospitals, etc., that belong to the organization.

Minor- anyone under the age of 18 who is not married, or a member of the armed forces, or declared emancipated by a court of law.

Non-Designated Facility - a facility that has not been designated by the County Board of Supervisors 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 mental health disorder.

LPS- Lanterman-Petris-Short Act provides the statutory framework for the commitment of individuals with mental health disorders and provides protection for the legal rights of such individuals.

LPS Trainer- a mental health provider who is a Designated Individual who has been approved by BHS to train their facility staff in LPS statutes, regulations, and HCA policy, including patients' rights.

Qualified Psychiatric Nurse Practitioner- is a registered nurse who is certified and registered by the Board of Registered Nursing with a specialty in psychiatry/mental health.

**PROCEDURES:**

- I. Individual Designation Requirements
  - A. To obtain designation privileges, mental health providers and emergency room physicians must be:

1. A licensed psychiatrist, psychologist, registered nurse, qualified psychiatric nurse practitioner, clinical social worker, marriage and family therapist or emergency department physician, and
  2. A member of the attending staff of a Facility, or of an HMO.
- B. Complete BHS approved LPS training provided by the facility's LPS Trainer and demonstrate competence by earning a score of 80% or higher on an examination on LPS statutes, regulations, and HCA policy, including patients' rights.
1. An exception is made for those individuals who are seeking Designation expressly for the purpose of become the facility's LPS trainer when there is no existing LPS trainer for that facility. The individual may be permitted to attend the County staff training process to become Designated.
- C. Demonstrate competence in writing 5150/5585 involuntary holds as outlined in section II, (C), (4 & 5) below.
- II. Submitting a Request for Individual Designation Privileges
- A. The psychiatric medical director of a Designated Facility or HMO may request designation privileges for eligible mental health providers.
  - B. The medical director of an emergency department of a designated general acute care hospital may request designation privileges for emergency department physicians.
  - C. The psychiatric medical director or the medical director of a Non-Designated Facility may request designation privileges for eligible mental health providers.
  - D. For all designations, medical director(s) shall submit in writing to BHS a designation request for each applicant. The request shall include the following items:
    1. Name of the applicant.
    2. Copy of applicant's Department of Consumer Affairs Breeze Online Service license verification information that qualifies him or her for designation.
    3. Evidence demonstrating the applicant's knowledge of LPS statutes, regulations, and HCA policies, including patients' rights, by providing a copy of the first page of the applicant's dated and passed (80% or higher) facility written LPS exam initialed by an LPS Trainer.
    4. Copy of an original 5150/5585 involuntary hold written in the past two years. If the applicant did not write a 5150/5585 involuntary hold in the past two years, the applicant must submit a written sample along with a signed attestation from the facility that the applicant has not written a 5150/5585 involuntary hold in the past two years.

5. Psychiatrists and psychologists must also submit an original or sample 5250 involuntary hold.

E. BHS will send the facility a written confirmation of the individual's designation once the designation request process is complete and has been approved by BHS.

### III. Procedures for Renewal of Individual Designation

A. All individual designations are valid for two years from the date that the LPS exam was successfully completed.

B. To renew an individual designation the persons must:

1. Continue to meet individual designation criteria (see Section I).

2. Submit an individual designation renewal request (see Section II).

C. BHS will send the facility a written confirmation of the individual's renewal of designation once the designation request process is complete and has been approved by BHS.

D. Individual designation renewal requests must be submitted to HCA BHS at least 21 days prior to the expiration of the applicant's designation privileges.

E. Designated Individuals cannot write 5150/5585 involuntary holds once their designation privileges have expired.

### IV. Reciprocal Designation

A. Medical director(s) of a Facility may request reciprocal designation for eligible staff based on designation granted through another Orange County Facility, except for the Orange County Crisis Stabilization Unit (CSU).

B. The medical director(s) requesting reciprocal designation shall submit the following items to BHS:

1. Copy of the applicant's BHS designation confirmation form from the originating Facility.

2. Copy of the applicant's Department of Consumer Affairs Breeze Online Service license verification information.

3. BHS will send the facility a written confirmation of the individual's reciprocal designation once the reciprocal designation request is complete and has been approved by BHS.

### V. Separation from Employment

- A. When a Designated Individual is no longer employed by or a member of the attending staff of the Facility, the facility shall notify BHS in writing within one week from the date of separation or removal from the attending staff.
- B. Designation privileges are terminated at that facility when employment is terminated or when attending staff status is terminated.

VI. Suspension, Revocation, or Denial of 5150/5585 Privileges

- A. An individual's designation may be suspended with an opportunity to remediate at the discretion of the BHS Director. Privileges may be suspended for a period of time not to exceed 60 days to allow for remediation. If an individual's designation privileges are suspended, the BHS Director or designee will send the facility a written explanation as to the basis for the suspension.
- B. An individual's designation privileges may be revoked without opportunity for remediation at the discretion of the BHS Director. If an individual's designation privileges are revoked, the BHS Director or designee will send the facility a written explanation to the basis for the revocation. Opportunity for remediation does not have to be offered prior to revocation.
- C. A facility's initial request for designation of an individual may be denied at the discretion of the BHS Director. If the request for individual designation is denied, the BHS Director or designee will send the facility a written explanation as to the basis for the denial.
- D. Any action that is taken upon the license of an individual on active status must be reported to the County as soon as the facility becomes aware of any such action within three days.