



**DEPARTMENT OF MENTAL HEALTH
POLICY/PROCEDURE**

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PERSONS AUTHORIZED TO INITIATE INVOLUNTARY LANTERMAN-PETRIS-SHORT DETENTION	307.01	09/19/2016	1 of 6
APPROVED BY: <i>Robin Kay, Ph.D.</i> Acting Director	SUPERSEDES 202.03 11/10/2011	ORIGINAL ISSUE DATE 06/20/1988	DISTRIBUTION LEVEL(S) 1, 2

PURPOSE

- 1.1 To provide a Los Angeles County Department of Mental Health (LACDMH) policy for selecting and training persons who will be authorized, under California Welfare and Institutions Code (WIC) 5150, to initiate application for emergency 72-hour period of evaluation and treatment in Lanterman-Petris-Short (LPS) designated facilities in Los Angeles County (LAC).
- 1.2 To set forth procedures for granting individual persons who meet the authority criteria to initiate application for emergency 72-hour evaluation and treatment.

POLICY

- 2.1 No person in Los Angeles County may initiate an application for involuntary detention, 72-hour evaluation and treatment in a facility that is LPS designated by the County unless that person is a peace officer, parole/probation official as specified in Penal Code Sections 2960-2978, or a person authorized in accordance with the guidelines set forth in this policy. (Authority 1 and 2)

PROCEDURE

- 3.1 Persons eligible to initiate application for 72-hour evaluation and treatment once credentialed by the Local Mental Health Director (LMHD) are:
 - 3.1.1 A person licensed in a mental health discipline by the State of California, who is on the psychiatric professional staff of a LPS designated facility or who has completed or is enrolled in an approved psychiatric residency training program in a LPS designated facility in Los Angeles County.
 - 3.1.1.1 It shall be the responsibility of the facility's Medical Director to:



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- Provide written attestation that the person has been selected by the facility for said authority and meets the minimum LACDMH mental health experience requirements.
- Ensure the person is a member of the psychiatric professional staff as defined by the facility's staff by-laws and employment policies and California Code of Regulations (CCR) Title 9 Section 823 or has completed or is enrolled in an approved psychiatric residency training program.
- Ensure the person is appropriately trained to exercise said authority.
- Ensure the person is proctored and monitored while exercising said authority within the inpatient setting.
- Ensure the following information is maintained and available to LACDMH representative(s) upon request: a record of the person's verified licensure, experience, training, identification badge, professional staff membership or psychiatric resident status, privilege approval, inquiries as to prior restrictions or loss of privileges, and judgments or settlements involving the person's practice in the mental health field, LACDMH authorization, and proctoring and monitoring data.
- Ensure a roster of staff members authorized to initiate applications for 72-hour evaluation and treatment is complete and current.

3.1.2 A person licensed as a mental health professional by the State of California, who is employed by LACDMH or a LACDMH contract agency.

3.1.2.1 It shall be the responsibility of the professional person in charge of the employee's facility, or his/her designee, to ensure that each candidate for this authority meets the following requirements:



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- Is nominated for designation authority in writing;
- Is appropriately qualified, trained, and supervised;
- Meets LACDMH quality standards regarding employment and scope of practice; and
- Meets LACDMH quality standards for contractors (contract agencies).

3.1.3 A person is made eligible for this authority at the discretion of the LMHD. Such person may be recommended for authorization by the Medical Director/professional person in charge of his/her employing facility. Criteria for final LACDMH approval will be determined by the LACDMH Director.

3.2 All licensed professionals desiring LPS authorization must receive authorization training (except for professional staff with admitting privileges, who may elect to do so) and achieve a passing score on a written proctored examination administered by LACDMH representatives.

3.2.1 LACDMH psychiatrists are excluded from having to take the written examination.

3.3 Persons will be granted authority to initiate 72-hour evaluation and treatment according to the needs of LACDMH. Following approval, the designated facility or County service organization will be issued a written authorization specifying the individual authorized and the authorization period. Minimum conditions for consideration are as follows:

3.3.1 A completed LACDMH Initial and Renewal Authorization Application (Attachment 1, page 1) signed by the applicant (Section 3.1.1) and the professional person clinically in charge of the designated facility (Sections 3.1.1.1 and 3.1.3) or program supervisor (Section 3.1.2.1) must be submitted to the LACDMH Medical Director or designee for signature.



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- 3.3.2 A completed LACDMH Attestation for LPS Authorized Applicants (Attachment 1, page 2) signed by the applicant (Section 3.1.1) and the clinical professional in charge of designated facility (Sections 3.1.1.1 and 3.1.3) or program supervisor (Section 3.1.2.1) must be submitted to the appropriate LACDMH designee.
- 3.3.3 The person must complete authorization training (elective for professional staff with admitting privileges) and, except for LACDMH psychiatrists, receive a passing score on the authorization training proctored examination.
 - 3.3.3.1 Authorization training will be provided by LACDMH. Topics will include, but not be limited to, the following:
 - Relevant LPS codes, selected patients’ rights and LACDMH applicable policies and parameters, probable cause assessment and documentation;
 - Ethical issues as they relate to involuntary detention; and
 - Mechanisms of the 5150 Application.
- 3.3.4 The person must be supplied with a facility identification badge as specified by LACDMH.
- 3.3.5 The application must be reviewed by the appropriate LACDMH executive staff.
- 3.4 The LMHD shall authorize individuals for a specified period, after which time further authorization requires attendance at a LACDMH approved LPS training course and testing session.
 - 3.4.1 The LACDMH Director may, at his/her discretion, use renewal of the professional staff 5150 privilege, along with the application for reauthorization and signed Attestation, in lieu of training or retesting as a basis for reauthorization for the next reauthorization period.



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3.5 Approval may be withdrawn by LACDMH upon written notification, for the following reasons:

- 3.5.1 Failure to abide by all provisions of the WIC Division 5, patients' rights and due process, and accompanying regulations, CCR Titles 9 and 22, by Business and Professions Code Section 650 regarding compensation for referrals, and by LACDMH policies concerning treatment and evaluation, patients' rights, and due process.
- 3.5.2 Misuse of the involuntary detention authority, e.g., use that is inappropriate, excessive, corrupt and/or unjust, including improper conduct during evaluations initiated on or off facility premises, such as actions or behavior not conforming to conventional standards of propriety, tact, and decency.
- 3.5.3 Failure to meet criteria for professional staff membership and clinical privileges as required by Section 3.1.1 of this policy (designated facility staff only).
- 3.5.4 Failure to properly and completely undertake and document evaluation activities, applications for 72-hour evaluation and treatment, and/or verbal or written advisements and logs for 72-hour evaluation and treatment as required by WIC Section 5150(g)-(h), and/or LACDMH policy.
- 3.5.5 Loss of professional license for any reason.
- 3.5.6 Transfer to an assignment where authorization is deemed unnecessary by the professional person in charge of the employee's facility, or his/her designee.
- 3.5.7 Resignation or transfer from the designated facility or Los Angeles County service organization that nominated the person to receive this authority.



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- 3.5.8 In the event the individual is seeking authorization at a single designated facility and involuntary detention authorization has been previously revoked at that or any other designated facility, the LACDMH Director may, in his/her sole discretion, withhold approval of the individual's involuntary detention authority.
- 3.6 Authority to initiate applications for 72-hour evaluation and treatment is confined to the geographic boundaries of LAC unless specific permission for cross-county applications has been granted in writing by the LMHDs of the counties involved.
- 3.7 Authority to initiate 72-hour evaluation and treatment is LACDMH site- and function-specific. Authority granted under Section 3.1.2 of this policy may not be transferred to private sector employment or otherwise exercised during the period the person is considered by his/her LACDMH employer to be off-duty.

AUTHORITY

- 1. California Welfare and Institutions Code, Sections 5150 and 5585.55 et seq.
- 2. California Code of Regulations, Title 9, Section 823
- 3. LPS Designation Guidelines and Process for Facilities within Los Angeles County, Seventh Edition (and any revisions thereto)

ATTACHMENT (HYPERLINKED)

- 1. [LACDMH Initial and Renewal Authorization Application \(Page 1\) and LACDMH Attestation for LPS Designation Applicants \(Page 2\)](#)

RESPONSIBLE PARTY

LACDMH Office of the Medical Director