



# DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

<b>SUBJECT</b> <b>PERSONS AUTHORIZED TO INITIATE INVOLUNTARY LANTERMAN-PETRIS-SHORT (LPS) DETENTION</b>	<b>POLICY NO.</b> <b>202.3</b>	<b>EFFECTIVE DATE</b> <b>09/01/05</b>	<b>PAGE</b> <b>1 of 5</b>
<b>APPROVED BY:</b> <div style="text-align: center; margin-top: 10px;">             Director         </div>	<b>SUPERSEDES</b> <b>202.3</b>	<b>ORIGINAL ISSUE DATE</b> <b>06/20/88</b>	<b>DISTRIBUTION LEVEL(S)</b> <b>2</b>

## OPURPOSE

- 1.1 To provide guidelines for selecting and training persons who will be authorized to initiate emergency applications for 72-hour evaluation and treatment in Los Angeles County (LAC).
- 1.2 To set forth procedures for granting individual persons the authority to initiate emergency applications for 72-hour evaluation and treatment.

## POLICY

- 2.1 No person in Los Angeles County may initiate an application for 72-hour evaluation and treatment to a facility so 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 designated in accordance with the guidelines set forth in this policy.

## PROCEDURE

- 3.1 Persons eligible for the authority to initiate applications for 72-hour evaluation and treatment conferred with Local Mental Health Director approval are as follows:
  - 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 Lanterman-Petris-Short (LPS) designated facility or who has completed or is a member in an approved psychiatric residency training program in a designated facility in Los Angeles County.
    - 3.1.1.1 It shall be the responsibility of the facility's Medical Director to:
      - ♦ Provide written attestation that the person has been selected by the facility for said authority and meets the minimum Los Angeles County Department of Mental Health (LAC-DMH) mental health experience requirements.
      - ♦ Ensure that 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



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completed or is a member in an approved psychiatric residency training program.

- ♦ Ensure that the person is appropriately trained to exercise said authority.
- ♦ Ensure that the person within the inpatient setting is proctored and monitored while exercising said authority.
- ♦ Ensure that 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 as to judgments or settlements involving the person's practice in the mental health field, LAC-DMH authorization, and proctoring and monitoring data, is maintained and available to LAC-DMH representative(s) upon request.
- ♦ Ensure that 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 LAC-DMH or a LAC-DMH 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 requirement:

- ♦ is nominated for designation authority in writing;
- ♦ is appropriately qualified, trained, and supervised;
- ♦ meets LAC-DMH quality standards regarding employment and scope of practice; and
- ♦ meets LAC-DMH quality standards for contractors (contract agencies).

3.1.3 A person is made eligible for this authority at the discretion of the Director of LAC-DMH. Such person may be recommended for designation by the Medical Director/Professional Person in Charge of his/her employing facility. Criteria for final LAC-DMH approval will be determined by the LAC-DMH Director.



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- 3.2 All licensed professionals desiring LPS designation must receive designation training (except for professional staff with admitting privileges, who may elect to do so) and achieve a passing score on a written examination administered by LAC-DMH representatives.
- 3.3 Persons will be granted authority to initiate 72-hour evaluation and treatment according to the needs of LAC-DMH. Following approval, the designated facility or County service organization will be issued a written authorization specifying the individual designated and the designation period. Minimum conditions for consideration are as follows:
  - 3.3.1 An Application for “LPS Designation Initial/Renewal” (Attachment I) signed by the applicant and the Professional Person Clinically in Charge of the Designated Facility (3.1.1, 3.1.3) or program supervisor (3.1.2) must be submitted to the LAC-DMH Medical Director or designee for signature.
  - 3.3.2 A LAC-DMH “Attestation for LPS Designation Applicants” (Attachment II) signed by the applicant (3.1.1), or the applicant and the program supervisor (3.1.2), or the applicant and the Professional Person in Charge of the employing facility (3.1.3) must be submitted to the appropriate LAC-DMH designee.
  - 3.3.3 The person must complete designation training (elective for professional staff with admitting privileges) and receive a passing score on the designation training examination.
    - 3.3.3.1 Designation training will be provided by LAC-DMH. Topics will include, but not be limited to, the following:
      - ♦ relevant LPS statutes
      - ♦ patients’ rights issues
      - ♦ LAC-DMH policies and directives
      - ♦ appropriate LPS/Welfare and Institutions Code (WIC) documentation
  - 3.3.4 The person must be supplied with a facility identification badge as specified by LAC-DMH.
  - 3.3.5 The application must be reviewed by the appropriate LAC-DMH executive staff.
- 3.4 The Local Mental Health Director shall authorize individuals for a specified period, after which time further authorization requires attendance at a LAC-DMH approved LPS training course and testing session.



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- 3.4.1 The LAC-DMH Director may, at his/her discretion, use renewal of the professional staff 5150 privilege, along with the application for re-designation and signed Attestation, in lieu of training or retesting as a basis for reauthorization for the next reauthorization period.
- 3.5 Approval may be withdrawn by LAC-DMH 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, CCRs Titles 9 and 22, by Business and Professions Code Section 650 regarding compensation for referrals, and by LAC-DMH 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 implement, complete, 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 5157 and/or LAC-DMH policy.
  - 3.5.5 Loss of license for any reason.
  - 3.5.6 Transfer to an assignment where designation 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.
  - 3.5.8 In the event the individual is seeking designation at a single designated facility and involuntary detention authorization has been previously revoked at that or any other designated facility, the LAC-DMH Director may, in his/her sole discretion, withhold approval of the individual's involuntary detention authority.
  - 3.5.9 When, in the judgment of the LAC-DMH Director, it is required by community needs.



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- 3.6 The authority to initiate applications for 72-hour evaluation and treatment is confined to the geographic boundaries of Los Angeles County unless specific permission for cross-county applications has been granted in writing by the Local Mental Health Directors of the counties involved.
- 3.7 Authority to initiate 72-hour evaluation and treatment is LAC-DMH 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 LAC-DMH employer to be off-duty.

### **AUTHORITY**

Welfare and Institutions Code, Sections 5150 and 5585.55 et seq.  
California Code of Regulations, Title 9, Section 823  
“LPS Designation Guidelines and Process for Facilities Within Los Angeles County”, Third Edition  
(and any revisions thereto)

### **ATTACHMENTS**

Attachment I: LAC-DMH Application for “LPS Designation Initial/Renewal”  
Attachment II: LAC-DMH “Attestation for LPS Designation Applicants”

### **REVIEW DATE**

This policy shall be reviewed on or before September 2008.



**COUNTY OF LOS ANGELES - DEPARTMENT OF MENTAL HEALTH  
ATTESTATION FOR LPS DESIGNATION APPLICANTS**

Certificate of Applicant:

I attest that all statements made in this application are true and correct. I acknowledge that any false or incomplete statement given here or an omission of material fact will result in my disqualification. I further acknowledge that I have received a copy of the LACDMH "LPS Designation Guidelines and Process for Facilities Within Los Angeles County" effective September 2004 from the designated facility with which I am affiliated, and that I have read and understood this document, and will uphold all applicable legal, ethical, regulatory and reporting principles contained therein and in the standards of my professional license(s). Further, I will uphold basic ethical standards essential to the fulfillment of my responsibilities carried out in the application of my authority for involuntary detention, including but not limited to the following:

- Avoidance of circumstances where work based action may affect or appear to affect private financial interest or personal gain, financial or non-financial.
- Avoidance of any participation in a personal arrangement or business transaction which would generate potential or perceived conflict of interest or compromise my ability to provide treatment fairly and objectively.
- Avoidance of any circumstances that would hinder my ability to provide or refer to service that is of highest quality and effectiveness.
- Recognition and avoidance of any personal situation, habits or behaviors that might impair ability to provide competent care.
- Respect and protection of client confidential information, in accordance with applicable legal and regulatory standards.
- Performance of all duties in a manner that demonstrates an understanding of each client's personal dignity.
- Demonstration of highest standards of personal integrity in all work related activities carried out in the application of my authority for involuntary detention.

I acknowledge that, if I am given authority for involuntary detention, my failure to comply with the above principles and all laws, policies, by-laws or regulations related to involuntary detention, or with those portions of the "LPS Designation Guidelines and Process for Facilities Within Los Angeles County" related to individuals (including any revisions thereafter adopted), will result in withdrawal of my involuntary detention authority. I acknowledge that involuntary detention authority may also be withdrawn without cause at any time by the LACDMH Director.

Signature of Applicant	Print Name	Date
Credential, License No. and Exp. Date	Program Manager's Name (printed)	Signature
Directly Operated Program or Contract Site Approved to Initiate LPS Involuntary Holds		

Address	Work Telephone and e-mail
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202.3 Attachment II