



<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>4/28/16</u>

**SUBJECT:** Lanterman-Petris-Short Act (LPS) Designation of BHS County and Outpatient Contract Providers

**PURPOSE:**

To identify the process for Orange County Health Care Agency (HCA) Behavioral Health Services (BHS) staff, outpatient contracted staff and employees of outpatient contracted county programs to become designated to conduct 5150/5585 evaluations and to initiate and/or discontinue 5150/5585 holds within Orange County.

**POLICY:**

HCA BHS staff, outpatient contracted staff and employees of outpatient contracted county programs must obtain prior approval from the HCA BHS Deputy Agency Director (hereafter referred to as the BHS Director) or designee to initiate and/or discontinue 5150/5585 involuntary holds in Orange County.

**SCOPE:**

HCA BHS staff, outpatient contracted staff and employees of outpatient contracted county programs who are authorized by their supervisor to become 5150/5585 designated.

**REFERENCES:**

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

Welfare and Institutions Code - WIC 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]

**FORM:**

Designation Procedures for BHS - One Time Interim Certification Tracking Sheet F346-783 (3/16)

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

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.

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.

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. HCA BHS staff, outpatient contracted staff and employees of outpatient contracted county programs must be one of the following:
    - 1. A licensed psychiatrist, psychologist, registered nurse, qualified psychiatric nurse practitioner, clinical social worker, marriage and family therapist or a Mental Health Specialist.
      - a) Designation privileges related to discontinuing 5150/5585 holds are allowed only for Designated Individuals who are any of the following: licensed psychiatrist, licensed psychologist, licensed registered nurse, licensed clinical social worker or licensed marriage and family therapist.
  - B. Complete the Lanterman-Petris-Short (LPS) 5150 Initial Certification Training or the LPS 5585 Designation Training to be authorized to conduct 5150/5585 evaluations and to initiate and/or discontinue involuntary holds.
    - 1. The LPS 5150 Initial Certification Training covers the following topics:
      - a) Brief historical legislative information and current relevant legislation.
      - b) How to conduct a thorough risk assessment.

- c) Review of crisis intervention techniques.
  - d) The criteria to initiate an involuntary hold under Section 5150.
  - e) The criteria to discontinue an involuntary hold under Section 5150.
  - f) The role of the mental health professional in the 5150 process.
  - g) How to initiate a 72-hour detention for psychiatric evaluation and treatment.
  - h) An individual's rights as they relate to the 5150 process.
  - i) Reporting requirements related to Tarasoff, Dependent Adult Abuse/Neglect, and Child Abuse/Neglect.
2. The LPS 5585 Designation Training covers the following topics:
- a) Historical information leading to LPS and establishment of 5585 process and it's evolution from 1988 to present.
  - b) An overview of the LPS process.
  - c) A discussion of LPS laws specifically related to children and youth.
  - d) Tarasoff law and duty to protect, including Ewing vs. Goldstein case, and County Policies and Procedures related to Duty to Protect.
  - e) The minor's rights as they pertain to the 5585 process.
  - f) How to complete a written hold, including completion of the Advisement section.
  - g) Information on discontinuing 5585 holds.
  - h) Review of basic crisis evaluation/assessment procedures.
  - i) Discussion of risk factors/red flags.
3. Frequency of initial training course:
- a) The LPS 5150 Initial Certification Training is typically scheduled quarterly.
  - b) The LPS 5585 Initial Designation Training is scheduled as needed.

- C. Demonstrate competence by earning a score of 80% or higher on an examination on LPS statutes, regulations, and HCA policy, including patients' rights.
- II. After the applicant has completed the training course and passed the test to qualify for individual designation, the applicant will complete the 5150/5585 card. The completed 5150/5585 card is submitted to the BHS Director for his or her required signature and date. The 5150/5585 card is dated and signed by the BHS Director and the card is then sent to the HCA Program Manager or county contract personnel for distribution to the designated professional.
- III. Procedures for Renewal of Individual Designation
- A. HCA BHS staff, outpatient contracted staff and employees of outpatient contracted county programs who are Designated Individuals must re-certify their 5150/5585 designation status every two years based upon the date the BHS Director signs the 5150/5585 card.
  - B. 5150 Designated Individuals are required to re-take and pass the 5150 examination with a score of 80% or higher in order to be re-certified to conduct 5150 evaluations. The LPS 5150 Certification training material is distributed to qualified designated professionals prior to the examination for test preparation and review. The training material contains a review of the most current and up to date LPS information.
  - C. 5585 Designated Individuals are required to meet with the designated Centralized Assessment Team (CAT) Service Chief (SC) who provides a review of the 5585 Training every two years for re-certification. The training reviews the most recent and updated LPS information. Following the training, the applicant is required to take and pass the examination with a score of 80% or higher to be re-certified for the 5585 designation.
- IV. Designation procedures for formerly designated staff following a leave or separation from the county or outpatient contracted program.
- A. If a formerly designated individual separates from the county or outpatient contract agency for a period of one year (12 consecutive months) or more and returns to the county or an outpatient contracted program, the individual is required to take the 5150 Initial Designation Training course and must take and pass the 5150 test in order to be designated.
  - B. If a formerly designated individual separates from the county or outpatient contract program and returns to the county or outpatient contract program in less than one year (12 consecutive months), the individual is eligible to complete the 5150 Re-certification process.
- V. Special Circumstances: Because the LPS 5150 Initial Certification training is only offered on a pre-established quarterly schedule, in order to ensure both the rights of the individual

and the need for access to prompt evaluations, a special procedure will be applied for new CAT employees and for new Crisis Stabilization Unit (CSU) psychiatrists. To ensure adequate CAT coverage for the county, and proper training for those independently providing CAT assessments, the following procedures may be utilized, at the CAT SC discretion. No such special process is required for the LPS 5585 Initial Designation Training because that training session is scheduled as necessary.

- A. CAT team members new to the assignment may obtain a one-time interim certification by completing the observation protocol as outlined below:
1. Reviewing the training materials in the LPS 5150 Initial Certification training, and
  2. Accompanying a CAT staff on at least three field crisis assessments resulting in implementation of an involuntary hold under 5150, and
  3. Accompanying a certified CAT Designated Individual on at least three field crisis assessments that do not result in implementation of an involuntary hold under 5150, and
  4. Following completion of 1 through 3, above, the CAT staff person shall accompany the CAT Designated Individual staff on two additional field crisis assessments that result in a 5150, and two additional field crisis assessments that do not result in a 5150. For all four of these field crisis assessments, the new staff person shall independently (and without review of the actual paperwork completed by the Designated Individual) prepare a test paperwork packet.
- B. The applicant shall independently complete all paperwork that would be required in the situation (i.e. a 5150 is initiated, or a 5150 is not initiated).
1. This paperwork is to be completed solely as a training exercise test. The paperwork is not to be used in any official capacity, shall be shredded after completion of the test exercise and review by the CAT SC, and the completion of this paperwork shall not be billed to any payor.
  2. The paperwork shall be submitted to and reviewed by the CAT SC.
  3. For the documentation to “pass” for the purpose of receiving an interim certificate, all documentation must be assessed by the CAT SC to be acceptable as completed independently. Acceptable indicates the CAT SC’s assessment that the paperwork meets all technical and quality requirements of actual 5150 documentation.
  4. While the SC may provide feedback, if the paperwork is not acceptable as submitted, the paperwork shall not be considered a “pass” for the purposes of receiving an interim certificate.

5. When the SC has approved as submitted two consecutive packets from a crisis assessment that resulted in initiation of an involuntary hold under LPS 5150 and two consecutive packets from a crisis assessment that did not result in initiation of an involuntary hold under LPS 5150, the SC shall provide written confirmation of satisfactory completion to Authority and Quality Improvement Services (AQIS) and request scheduling of the written exam.
  - C. The applicant must demonstrate competence by earning a score of 80% or higher on a written examination on LPS statutes, regulations, and HCA policy, including patients' rights. The exam will be scheduled through AQIS and take place at the AQIS offices.
  - D. If an interim certification is obtained, it will be clearly marked as expiring one month after the next available 5150 training course, regardless of how long after obtaining the interim certificate the class occurs.
- VI. Psychiatrists working at the Crisis Stabilization Unit (CSU) will have an alternate training mechanism. These psychiatrists require a working knowledge of the involuntary hold process. In order to facilitate psychiatric coverage at the CSU, new psychiatrists will:
  - A. Be given the training materials to review.
  - B. Be offered an opportunity to meet with the Crisis Stabilization Unit's contracted and LPS designated Medical Director or with the LPS designated SC and ask questions related to the involuntary hold process as it relates to the-CSU.
  - C. An AQIS staff will go to the CSU to give and score the certification test to the psychiatrist.
  - D. If passed with a score of 80% or greater, the certification card will be obtained and delivered to the CSU supervisor.