

to BHS 9/20/06

HEALTH CARE AGENCY/MENTAL HEALTH SERVICES  
ADULT COMMUNITY SERVICES  
POLICIES AND PROCEDURES

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 New  Revision

Change Notice: # \_\_\_\_\_

SUBJECT: L.P.S. Designation of Individuals to  
Provide Involuntary Detention of Mentally Disordered Persons

PURPOSE:

To identify the criteria, procedures and stipulations governing the formal designation of facilities as treatment and/or evaluation sites in Orange County for involuntarily detained mentally disordered persons pursuant to California Welfare and Institutions Code, Section 5150, 5250 and 5350 inclusive.

SCOPE:

The designation of particular facilities to evaluate and treat persons under W & I Code involuntary detentions shall enhance the overall capacity of the mental health service delivery system in Orange County. Designated facilities may include hospitals and other type of facilities as recommended by the local Mental Health Director and approved by the Board of Supervisors and State Department of Mental Health.

METHOD:

A. Criteria

The following are the minimal criteria necessary for a facility to be designated:

1. A facility shall comply with all pertinent regulations as established by the California State Department of Mental Health. All legal requirements shall be met, and all applicable licenses will be maintained.

For example: designated hospitals shall maintain all applicable licenses as a general acute care hospital with an acute psychiatric bed classification or an acute psychiatric hospital (Title 22, California Administrative Code, Division 5, Chapters 1 and 2).

2. The facility must meet the requirements and standards of the Community Mental Health Services, Division 5, Welfare and Institutions Code and Title 9, California Administrative Code, Subchapter 4, Community Mental Health Services under the Lanterman-Petris-Short Act. Included hereunder is the requirement that the facility must meet those staffing standards identified in Section 663, Subchapter 3. Where regulations exceed the minimum licensing standards, regulations in Section 663 of Subchapter 3 shall take precedence.
3. Agreement to comply with all stipulations set forth in Section D of this policy.

B. Procedures for Initial Designation

1. The Medical or Program Director of a facility requesting designation will submit a written request to the local Mental Health Director or designee. The request shall be accompanied by a statement of compliance with the above criteria.\*
2. The local Mental Health Director or designee shall conduct an on-site visit of the facility.
3. If a facility is found not be be in compliance with the above criteria, the request for designation will be returned to the Medical or Program Director of the facility accompanied by a statement enumerating the criteria which are not in compliance.
4. If a facility is found to be in compliance with the above criteria, a summary of the findings of the on-site visit, along with a recommendation for formal designation initiated by the local Mental Health Director will be submitted to the Board of Supervisors for approval. Upon concurrence for designation by the Board of Supervisors, the recommendation will be submitted to the State Department of Mental Health for final approval as stipulated in Articles 1, 2, 3, 4, 5, and 6 of Chapter 2, Part 1, Division 5 of the W & I Code.
5. The local Mental Health Director or designee will notify the Medical or Program Director in writing of the Board of Supervisors' and the State Department of Mental Health concurrence or non-concurrence with the recommendation for designation.

C. Procedures for Renewal of Designation

Designation as a facility to evaluate and treat persons under W & I Code involuntary detention shall be valid for two (2) calendar years.

1. At least two months prior to the expiration of a facility's designation, the Medical or Program Director for said facility will submit in writing a request for redesignation.
2. Upon receiving a request for redesignation, the local Mental Health Director or designee shall perform a site review of the facility and its functioning. The review shall specifically look for compliance with the criteria outlined in Section A, and the stipulations of Designation as outlined in Section D of this policy. In addition, the Mental Health Director shall consult with the County's Patients' Rights Advocate concerning each facility's compliance with patients rights regulations and their cooperation with the advocate.
3. The local Mental Health Director shall recommend to continue or discontinue the facility's designation based on the findings of the site review. If corrective action is needed, the local Mental Health Director may recommend

\* See policy for Processing Applications and Maintaining Information related to designation.

specific remedial action. If a facility fails to comply, a temporary suspension of the facility's designation for a period of time not to exceed sixty (60) days (for the purpose of corrective action and assurance of future compliance) or a recommendation to the Board of Supervisors to withdraw the designation may result.

D. Stipulations of Designation

1. A designated facility will provide evaluation and treatment services for persons (who as a result of a mental disorder), are judged to be dangerous to self or others and/or gravely disabled. A designated facility will adhere to those sections of the licensing regulations in Title 22, Division 5, relevant to the clinical needs of the above classes of persons and/or where necessary for the protection of patients, staff members and members of the public.
2. Authorization of psychiatric staff to initiate involuntary 72-hour hold (W & I Code 5150) within a facility shall be in accordance with Orange County HCA/Mental Health policies regarding designation of such individuals.
3. A designated facility will assume the full medical responsibility for assuring appropriate patient care and accepts all relevant legal obligations.
4. No designated facility shall have any gross violations of clinical practice and/or safety precautions relevant to the particular level of care administered to individuals, even though the violations may not be explicitly covered by licensing standards. This determination shall be made by the local Mental Health Director.
5. Authorization of attending staff psychiatrists to sign notice of certification for involuntary 14-day intensive treatment and initiation of conservatorship shall be in compliance with W & I Code, Section 5250 and 5350.
6. Probable Cause Hearings will be provided by the designated facility for individuals certified for involuntary 14-day intensive treatment (W & I Code 5250) and will meet the requirements for such hearings as specified (W & I Code 5252 et seq.)
7. A designated facility shall comply with State of California, Department of Mental Health Quality Assurance Standards and Guidelines.
8. A designated facility shall immediately notify the local Mental Health Director of any changes related to the criteria as stipulated in Section A of this policy.

E. Monitoring

1. The Medical Director of the designated facility shall develop, implement and maintain a system for regular ongoing monitoring for the purposes of

reviewing the appropriateness of persons detained under W & I Code involuntary detentions.

2. The Medical Director will ensure that appropriate documentation (i.e., logs and/or records) are kept on all persons detained under W & I Code involuntary detentions for the purpose of this section.
3. The local Mental Health Director or designee, HCA/Mental Health Quality Assurance Monitors and Patients' Rights Advocate shall be allowed to conduct, at least annually, on-site reviews to ensure procedural compliance with pertinent LPS statutes regarding the detention of persons under W & I Code involuntary hold provisions (W & I Code 5150 et seq.). Should there be any deficiencies in procedural compliance, it will be brought to the attention of the local Mental Health Director. Pending the nature of the non-compliance, the Mental Health Director may temporarily suspend the designation rights for a period of time not to exceed sixty (60) days (for the purposes of corrective action and assurance of future compliance), or recommend to the Board of Supervisors the withdrawal of the designation.