

SUBJECT: L.P.S. Designation of Individuals to Exercise Authority
To Initiate W&I Code 5150/5585 Within Orange County

PURPOSE

To identify which professional persons may be designated by Orange County HCA Behavioral Health Services Director or designee to initiate involuntary psychiatric holds. This is in accordance with the California Welfare and Institutions Code Division 5, Chapter 2, Section 5150 and Division 5 Part 1.5, Chapter 2, Section 5585 (hereafter referred to as 5150/5585).

SCOPE

The rationale for formally designating certain individuals to initiate W & I Code 5150/5585 shall be to enhance the overall service delivery capacity of the mental health system in Orange County. Requests to evaluate an individual for possible 5150/5585 involuntary treatment shall be utilized only as a last resort. Whenever possible, voluntary evaluation and treatment should always be sought and encouraged.

METHOD

A. Criteria

Only persons meeting the classifications as identified below will be eligible to initiate W & I Code 5150/5585 detainment within Orange County:

1. HCA Behavioral Health Services staff that is required as part of their regular duties to carry out the purpose of the LPS Act. Such staff shall meet the requirements and qualifications as defined in the Welfare and Institutions Code, complete prescribed and approved HCA training, and demonstrate competence in pertinent LPS statutes and patients' rights as prescribed by the local Behavioral Health Services Director. Such competence shall be demonstrated by passing a written examination with a score of at least 80% for AMHS staff and 70% for CYS staff.
2. Psychiatric treatment and attending staff of a designated private facility and psychiatric staff of HMOs. Such staff shall meet requirements and qualifications as defined in the Welfare and Institutions Code, complete prescribed and approved HCA training administered by the facility's LPS Trainer, and demonstrate competence in pertinent LPS statutes and patients' rights as prescribed by the local Behavioral Health Services Director or designee. Such competence shall be demonstrated by passing a written examination, which has been approved by the Behavioral Health Services Director or designee, with a score of at least 80%. In order to facilitate the training and testing requirement, each designated facility will have at least one identified trainer approved by the Behavioral Health Services Director or designee. The identified trainer shall have passed a written exam with a score of 80% or higher given by authorized staff of the County of Orange Behavioral Health Services Inpatient Services. The facility trainer must renew their approval yearly.

3. Designated licensed psychiatrists and psychologists who are attending staff at designated facilities. Such staff may provide 5150/5585 evaluations in acute medical hospitals, skilled nursing facilities, and in their private practices. Only designated psychiatrists and designated psychologists (if the psychologist meets the W&I Code provisions regarding early release procedures for involuntary holds pursuant to Section 5152) can discontinue a hold in a designated facility; holds cannot be discontinued in non-designated facilities. Staff assigned to Outreach Teams may write 5150/5585s in the facility that designated them, emergency rooms, and police stations. Staff assigned to Outreach Teams may also provide 5150/5585 evaluations in acute medical hospitals that have formally credentialed them to do so. See Procedure 5, below on Credentialing. A patient placed on a 5150/5585 written by the attending staff of a designated facility or Outreach Team may be admitted to any designated facility which will accept the patient under the following circumstances: a) the patient has chosen to be treated at a facility other than the one that designated the staff person writing the hold or b) the patient's insurance may be acceptable to facilities other than the one which designated the staff writing the hold. However, if the patient is not accepted by the facility of their choice, the designated facility which has designated the person authorized to write the 5150/5585 must accept the patient for admission. If the person writing the hold is designated by more than one facility, it is that person's responsibility to secure a bed in one of those facilities. Holds shall not be written on minors who are unfunded or who are Medi-Cal beneficiaries, notify ETS instead. In addition, private designated psychiatrists and psychologists providing consultative services in acute medical hospitals cannot write 5150/5585s to ETS without prior authorization from ETS that they will accept the patient.
4. Medical emergency physicians practicing in a medical emergency room of a hospital designated by the County and licensed by the State of California to provide basic or comprehensive emergency medical services. Such staff shall be in conformance with respective licensing and requirements (Section 70413, Title 22, California Administrative Code and Section 70453, Title 22, California Administrative Code). Medical emergency physicians shall meet requirements and qualifications as defined in the Welfare and Institutions Code, complete prescribed and approved HCA training administered by the hospital's LPS Trainer, and demonstrate competence in pertinent LPS statutes and patients' rights as prescribed by the local Behavioral Health Services Director. Such competence shall be demonstrated by passing a written examination with a score of at least 80%.
5. Credentialing of Outreach Team staff in acute medical facilities will consist, at a minimum, of the following: a) application by and approval of the individual Outreach Team staff by the acute medical facility as an "allied health professional" or equivalent title; b) application by and approval of the individual Outreach Team staff to provide evaluation for 5150/5585s at the acute medical facility; c) inclusion of Outreach Team staff having such privilege in the acute medical facility's ongoing monitoring and quality improvement system and, d) a copy of the document that grants such privilege to the individual Outreach Team staff member must be submitted to the local Behavioral Health Services Director or designee. Additionally, it is the responsibility of the Outreach Team staff to assure that the Outreach Team's designated facility submits, on a quarterly basis, the following information to the local Behavioral Health Services Director or designee: a) the number of evaluations performed by

the Outreach Team staff on the medical units; and, b) the number of 5150/5585s resultant from these evaluations and, c) the disposition of all such evaluations.

All persons meeting the classifications as identified above in this Section (A) will comply with conditions set forth in Section (E) of this policy as it pertains to their respective classifications.

B. Procedures for Initial Designation

1. HCA Behavioral Health Services Personnel

- a. The Service Chief will make a written request for designation to the local Behavioral Health Director's office through the appropriate Deputy Director. This request shall be accompanied by a statement of compliance with the criteria listed above under A (1).
- b. The local Behavioral Health Services Director or designee shall review the request and either make a recommendation to formally designate the person or deny the request. Denial of the designation request shall be in writing stating the reason for the denial and shall be returned to the Service Chief.
- c. The local Behavioral Health Services Director or designee will notify the person of his designation in writing through the chain of command, arrange for the person to be assigned a 5150/5585 card, and provide the required information necessary to complete the master control roster.

2. Psychiatric Staff of a Designated Private Hospital

- a. The Medical Director of a designated private hospital may request designation for licensed Psychiatrists, Psychologists, Registered Nurses, Clinical Social Workers, and Marriage and Family Therapists who are members of the psychiatric treatment and attending staff of that facility.
- b. The request for designation of treatment and attending psychiatric staff will be made in writing by the Medical Director to the Orange County Behavioral Health Services Director or designee.
- c. For all designations, the Medical Director will submit in writing to the local Behavioral Health Services Director or designee the following: name of the person, a copy of the license that qualifies them for designation, conformance with the above criteria in Section (A) and evidence of knowledge of pertinent LPS statutes and patients' rights in the form of a copy of the first page of the dated, passed written examination, and a copy of the completed co-signed notification form as described in procedure (e) below.
- d. The local Behavioral Health Services Director or designee shall review the requests for designation for conformance with W & I Code and HCA requirements. A record of

active designations shall be kept in a computer based data file that contains the person's name, licensure, date of expiration of designation, the facility that has requested designation, whether the person's designation is active or terminated and the name of the Medical Director who requested the designation.

- e. The local Behavioral Health Services Director or designee will notify the Medical Director, in writing, of concurrence or non-concurrence of designation. The Medical Director shall then notify, in writing, the attending staff of their designation, including expiration date. The written notification to the attending staff shall read:

The Medical Director of (insert hospital name), an LPS designated facility, certifies that the above named individual has met the requirements to be designated to evaluate and, upon probable cause, initiate 5150/5585 involuntary psychiatric holds.

Medical Director Signature

Staff Signature
(including professional title)

Expiration Date

This written notification will also serve as proof of designation. The original 5150/5585 examination and all written communications with the Behavioral Health Services Director concerning the designation shall be kept on file at the designated facility.

- f. The Medical Director of a designated facility may request designation for a staff member based on designation granted through another Orange County designated facility (reciprocal designation). This request is made by the Medical Director seeking the designation to the Behavioral Health Services Director or designee by submitting: (1) a copy of the cosigned written verification provided to the staff by the facility originally designating the person, (2) copy of the staff person's license, and (3) a completed cosigned notification form from the facility requesting the reciprocal designation. The Behavioral Health Services Director or designee will acknowledge the request for the designation in writing. The Medical Director of the requesting facility shall then follow the procedure in B 2 (e) above.

C. Psychiatric Staff of Health Management Organizations (HMO)

- 1. Psychiatric staff of an HMO who detain and place persons on Welfare and Institutions Code involuntary detention shall meet requirements and qualifications as defined in the Welfare and Institutions Code, complete prescribed and approved HCA training, and demonstrate competence in pertinent LPS statutes and patients' rights as prescribed by the local Behavioral Health Services Director or designee. Such competence shall be demonstrated by passing a written examination which has been approved by the Behavioral Health Services Director or designee and administered by the HMO's LPS Trainer. In order to facilitate the training and testing requirement, each HMO will have at least one identified LPS Trainer approved by the Behavioral Health Services Director or designee. The

identified trainer shall have passed a written exam given by County of Orange HCA/BHS/Inpatient Services staff. The HMO LPS Trainer must renew their approval yearly.

- a. The Medical Director of an HMO may request designation for licensed Psychiatrists, Psychologists, Registered Nurses, Clinical Social Workers, and Marriage and Family Therapists who are members of the psychiatric staff of that HMO.
 - b. The request for designation of the staff will be made in writing by the Medical Director to the Orange County Behavioral Health Services Director or designee.
2. For all designations, the Medical Director will submit in writing to the local Behavioral Health Services Director or designee the following: name of the person, a copy of the license that qualifies them for designation, conformance with the above criteria in Section (A), and evidence of knowledge of pertinent LPS statutes and patients' rights in the form of a copy of the first page of the dated, passed written examination and a copy of the completed cosigned notification form as described in Procedure (4) below.
 3. The local Behavioral Health Services Director or designee shall review the requests for designation for conformance with W & I Code and HCA requirements. A record of active designations shall be kept in a computer based data file that contains the person's name, licensure, date of expiration of designation, the facility that has requested designation, whether the person's designation is active or terminated and the name of the Medical Director who requested the designation.
 4. The local Behavioral Health Services Director or designee will notify the Medical Director, in writing, of concurrence or non-concurrence of designation. The Medical Director shall then notify, in writing, the staff of their designation, including expiration date. This written notification shall read:

The Medical Director of (insert HMO name) certifies that the above named individual has met the requirements to be designated to evaluate and, upon probable cause, initiate 5150/5585 involuntary psychiatric holds to (insert HMO name) contracted facilities.

Medical Director Signature	Staff Signature	Expiration Date
	(including professional title)	

This written notification will also serve as proof of designation. The original 5150/5585 examination and all written communications with the Behavioral Health Services Director concerning the designation shall be kept on file at the HMO.

5. The Medical Director of an HMO may request designation of staff based on that staff's designation through an Orange County designated facility (reciprocal designation). This request is to be made by the Medical Director to the Behavioral Health Services Director or designee by submitting: (1) a copy of the cosigned written verification provided by the facility which originally designated the person, (2) a copy of the staff person's license, and (3) a completed cosigned notification form from the facility requesting the reciprocal designation. The Behavioral Health Services Director or designee will acknowledge the request for the designation in writing. The Medical Director of the requesting facility shall then follow the procedure in B 2 (e), above.
6. The HMO will send a representative to the County's bi-annual Designated Facilities meeting in order to ensure that they are in receipt of updated information relevant to evaluating persons for involuntary holds.

D. Procedures for Renewal of Designation

All individual designations are valid for two years from the date of the successful examination. To renew an individual designation, persons must continue to meet the criteria in section (A). In addition to completing a prescribed and approved HCA training program and passing the exam with a score of at least 80%. The training must also include a W & I Code update relating to involuntary detention and treatment, LPS Act amendments, and patients' rights interpretations which have occurred within the last two-year certification period. Procedures in Section B(1)(2) shall be followed for all renewals.

1. HCA Behavioral Health Services Personnel
 - a. At least one month prior to the expiration of the HCA staff members' designation, the Service Chief will forward in writing, through appropriate administrative channels, to the local Behavioral Health Services Director or designee a request for redesignation of said staff. Verification of the completion of prescribed and approved HCA training and a passing score of at least 80% on a written test must accompany this request.
 - b. The local Behavioral Health Services Director or designee shall review the request and forward concurrence or non-concurrence to the Service Chief.
2. Psychiatric Staff of Designated Private Hospitals and HMOs

- a. At least 14 days prior to the expiration of the staff's designation, the Medical Director will request re-designation by following the same procedures as indicated in B 2 (e), above.

3. Medical Emergency Physicians in Designated Hospitals

- a. At least 14 days prior to expiration of the Medical Emergency physician's designation, the Medical Director of the Emergency Department will submit in writing to the local Behavioral Health Services Director or designee a request for re-designation of said physician. Verification of the completion of prescribed and approved HCA training and a passing score of at least 80% on a written test must accompany this request.
- b. The local Behavioral Health Services Director or designee will contact the Medical Director of the Emergency Department as to concurrence or non-concurrence of the request for re-designation. The Medical Director of the requesting facility shall then follow the procedure in B 2 (e) above.

- E. Conditions of Authority to Initiate 5150/5585

1. HCA Behavioral Health Services Personnel

- a. Authority to initiate 5150/5585 detention shall only be exercised while on duty within Orange County HCA Behavioral Health Services.
- b. When an HCA Mental Health employee terminates service or transfers to another HCA Behavioral Health service not requiring 5150/5585 designation, that employee will submit his 5150/5585 card to their respective Service Chief.

2. Psychiatric Staff of a Designated Private Hospital

- a. Authority to exercise 5150/5585 shall only be carried out within the confines of the designated facility. However, licensed psychologists and psychiatrists on the psychiatric attending staff of a designated facility may write 5150/5585s in their private practice offices, in a skilled nursing facilities, or on consultation in an emergency room or on the medical floors of an acute care hospital for admission to a designated facility (this does not apply to minors who are unfunded or who are Medi-Cal beneficiaries). Staff assigned to Outreach Teams may write 5150/5585s as described in (A)3, above except ETS should be contacted pertaining to minors who are unfunded or who are Medi-Cal beneficiaries.
- b. A professional serving on the staff of more than one designated facility must be officially designated by each facility through which he intends to use this authority.

- c. When a designated professional leaves the services of the designating facility, it is the responsibility of the Medical Director to notify the Orange County HCA Behavioral Health Director or designee in writing within two (2) weeks from the date of the termination.

4. Psychiatric Staff of an HMO

The designation granted to the psychiatric staff of an HMO is restricted in the following ways:

- a. 5150/5585 holds may only be written by designated staff for members of the HMO.
- b. 5150/5585 holds may be written on HMO members only at an HMO service delivery site and while the staff are on duty as an HMO employee. MDs and PhDs may write holds on HMO members in their private offices for admission only to an HMO contracted designated psychiatric facility.
- c. 5150/5585 holds may only be written to and accepted by the HMO's contracted designated psychiatric facilities.
- d. 5150/5585 holds cannot be broken at HMO service delivery sites. The HMO needs to transfer the patient to a designated facility for the 5150/5585 hold to be broken by that facility's designated psychiatrist.

F. Monitoring

1. HCA Behavioral Health Services Personnel

- a. All HCA Behavioral Health Services Personnel will comply with the State of California Department of Mental Health Standards and Guidelines.
- b. The Service Chiefs of HCA Behavioral Health Services will provide for regular ongoing monitoring of staff designated to initiate 5150/5585s and will keep appropriate documentation (i.e. logs and/or records) on persons detained under 5150/5585.
- c. The County's Quality Improvement Staff and Patients' Rights Advocate will periodically conduct reviews to ensure procedural compliance with pertinent LPS statutes regarding the detention of persons under W & I Code provisions.
- d. Should there be any deficiencies in procedural compliance, it will be brought to the attention of the local Behavioral Health Services Director. Pending the nature of the noncompliance the Mental Health Director may temporarily suspend the staff's 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 withdraw the staff's designation.

2. Psychiatric Staff of a Designated Private Hospital and Psychiatric Staff of HMOs
 - a. The Medical Director of the private designated facility or HMO will provide for regular ongoing monitoring of staff designated to initiate 5150/5585s, and will keep appropriate documentation (i.e. logs and/or records) on persons detained under 5150/5585.
 - b. The local Behavioral Health Services Director or designee, HCA Behavioral Health Inpatient Services staff, and Patients' Rights Advocacy Services staff will periodically conduct on-site reviews to ensure procedural compliance with pertinent LPS statutes regarding the detention of persons under W & I Code 5150/5585 provisions.
 - c. Should there be any deficiencies in procedural compliance, it will be brought to the attention of the local Behavioral Health Services Director. Based on the outcome of an audit, the facility granted the designation may be placed on provisional designation status.

G. Training and Dissemination of Information

1. Training for compliance with W & I Code 5150/5585 and patients' rights shall be under the direction of and sanctioned by the local Behavioral Health Services Director or designee and Patients' Rights Advocacy Services.
2. Dissemination of information to the private sector which modifies and/or amends HCA Behavioral Health Service procedures for W & I Code involuntary detainment and treatment, and Patients' Rights, shall be the conjoint responsibility of HCA Inpatient Services, and Patients' Rights Advocacy Services.
3. Copies of the current list of designated staff will be provided by the County to each designated facility and HMO monthly. Each facility and HMO representative shall review the list, make any corrections necessary, and return the list with the needed corrections to HCA/BHS Inpatient Services.