



State of California—Health and Human Services Agency
Department of Health Care Services



EDMUND G. BROWN JR.
GOVERNOR

DATE: May 29, 2014

MHSUDS INFORMATION NOTICE NO.: 14-004

[Superseded by BHIN 21-003](#)

TO: COUNTY ALCOHOL AND DRUG PROGRAM ADMINISTRATORS
COUNTY MENTAL HEALTH DIRECTORS
LOCAL MENTAL HEALTH BOARDS

SUBJECT: NOTIFICATION OF AMENDMENTS TO SENATE BILL 364 (CHAPTER 567) AND CHANGES TO WELFARE AND INSTITUTIONS CODE SECTION 5150 REGARDING 72-HOUR INVOLUNTARY DENTENTION FOR MENTAL HEALTH EVALUATION AND TREATMENT

The purpose of this Information Notice is to inform you that Senate Bill (SB) 364 was filed with the Secretary of State on October 4, 2013, and became effective January 1, 2014. This bill amends Welfare and Institutions Code (W&I) Sections 5001, 5008, 5150, 5151, and 5259.3, adds Sections 5013 and 5121, and repeals Sections 5150.3, 5156, and 5157.

Please review the amended W&I Sections to ensure compliance and note following important changes in the law:

Section 5001

W&I Section 5001, which sets forth the legislative intent of the Lanterman–Petris–Short Act, now includes subsections (h) and (i). These new subsections state the intent of the Legislature to protect the personal rights of individuals who are subjected to involuntary detention and to meet the needs of these individuals in the least restrictive manner possible.

Section 5008

W&I Section 5008 now includes subsection (a), which clarifies that telehealth may be used for evaluation; subsection (e), which permits crisis intervention interviews to include family members, significant support persons, providers, or other entities and individuals; and subsection (n), which defines “designated facility” or “facility designated by the county for evaluation and treatment.” The definition includes a non-exhaustive list of facilities which may be designated: a licensed psychiatric hospital, a licensed psychiatric health facility, and a certified crisis stabilization unit.

Section 5013

W&I Section 5013 encourages each city or county mental health department to include on its Internet Web site a current list of ambulatory services and other resources for persons with mental health disorders and substance use disorders.

Section 5121

W&I Section 5121 authorizes county mental health directors to develop procedures for the designation and training of professionals who will be designated to perform functions under W&I Section 5150.

Section 5150

W&I Section 5150 now includes subsections (a),(b),(c),(d),(e),(f),(g),(h) and (i). W&I Sections 5150.3, 5156, and 5157 were repealed. W&I Section 5150 now requires, among other things, that certain professionals must assess individuals who are subjected to involuntary detention to determine whether these individuals can be properly served without being detained. It also requires assessment and evaluation on an ongoing basis and specifies that crisis intervention may be provided concurrently with assessment, evaluation, or any other service. W&I Section 5150 requires that individuals who are taken to a facility for evaluation and treatment be given certain notices, including notice that they may request the facility or treating professional of their choice and notice of the contact information for the county's Patients' Rights Advocate for questions concerning their legal rights.

As a result of the amendments to W&I Section 5150, the Department has made updates to its forms-DHCS 1801 (MH 302), Application for 72-Hour Detention for Evaluation and Treatment, and DHCS 1802 (MH 303), Involuntary Patient Advisement. These updated forms are available online at the following links:

http://www.dhcs.ca.gov/formsandpubs/forms/Forms/Mental_Health/DHCS1801_04012014.pdf

[http://www.dhcs.ca.gov/formsandpubs/forms/Forms/Mental_Health/DHCS_1802_\(rev_1-22-2014\).pdf](http://www.dhcs.ca.gov/formsandpubs/forms/Forms/Mental_Health/DHCS_1802_(rev_1-22-2014).pdf)

Section 5151

W&I Section 5151 non-substantial wording changes made, changing *“If the facility for 72 hour treatment and evaluation.....”* to *“If the facility designated by the county for evaluation and treatment.....”*; and changing the State Department of Social Services to the State Department of Health Care Services. Section is related to the exclusion of Saturdays, Sundays, and holidays from the 72-hour period if the

Department certifies for each facility that evaluation and treatment services cannot reasonably be made available on those days, which is subject to renewal every two years.

Section 5259.3

W&I Section 5259.3 (a) now includes “the professional person designated by the county” in the list of those who, notwithstanding W&I Section 5113, cannot be held civilly or criminally liable for any action by a person released before the end of the 14 days, if the provisions of W&I Section 5257 have been met.

W&I Section 5259.3(b) now includes “the professional person designated by the county” in the list of those who cannot be held civilly or criminally liable for any action by a person released at the end of the 14 days.

The chaptered legislation is available online at the following link:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB364

If you have any questions regarding this Information Notice, please contact Henry Omoregie in Licensing and Certification at (916) 323-1864.

Sincerely,

Original Signed By

Karen Baylor, Ph.D., LMFT, Deputy Director
Mental Health and Substance Use Disorder Services