



DATE: October 25, 2024

Behavioral Health Information Notice No: 24-035

TO: California Alliance of Child and Family Services
California Association for Alcohol/Drug Educators
California Association of Alcohol & Drug Program Executives, Inc.
California Association of DUI Treatment Program
California Association of Mental Health Peer Run Organizations
California Association of Social Rehabilitation Agencies
California Consortium of Addiction Programs and Professional
California Council of Community Behavioral Health Agencies
California Hospital Association
California Opioid Maintenance Providers
California State Association of Counties
Coalition of Alcohol and Drug Associations
County Behavioral Health Directors
County Behavioral Health Directors Association of California
County Drug & Alcohol Administrators

SUBJECT: Lanterman-Petris-Short (LPS) data pursuant to Welfare and Institutions Code (W&I) section 5402

PURPOSE: Implementation and utilization of DHCS Director's Designee Attestation related to LPS data collection

REFERENCE: [W&I Section 5402](#); [BHIN 23-015](#); [BHIN-24-011](#); [BHIN 24-013](#)

BACKGROUND:

In 2022, the Governor signed SB 929, which amended W&I Section 5402 to require DHCS to collect expanded quarterly data regarding treatment provided pursuant to the LPS Act and publish a report by May 1st of each year that includes the quantitative, deidentified information collected. The new requirements are intended to address gaps and deficiencies in data collection regarding involuntary detentions under the LPS Act. SB 929 also requires DHCS to conduct an analysis and evaluation of the data to determine if the State is achieving the intent of the LPS Act as stated in W&I Section 5001. W&I Section 5402 was further amended by AB 118, signed by the Governor and effective on July 10, 2023.

As amended by SB 929 and AB 118, W&I Section 5402 requires each designated and approved facility and each other entity involved in implementing W&I Section 5150 to report specified data to the county in which it operates. Each county behavioral health

director (CBHD) is required to report involuntary treatment data to DHCS quarterly, including demographics, clinical outcomes, services provided or offered, waiting periods, and numbers of county-contracted beds (W&I § 5402(a)(1)-(11), (b)(1)(A)).

DHCS may impose a plan of correction or assess civil money penalties, or both, against a county that fails to submit data on a timely basis or as otherwise required by this section (W&I § 5402(f)(2)-(f)(3)). In addition, SB 929's amendments to Section 5402 require DHCS to collect several data points from the Judicial Council by October 1st of each year, including numbers and outcomes of court proceedings conducted pursuant to the LPS Act (W&I § 5402(a)(12), (d)).

POLICY:

DHCS is granting approval for CBHDs to submit a "Director's Designee Attestation" identifying one (1) Primary Designee (PD) and one (1) Alternate Designee (AD) to report LPS data pursuant to W&I section 5402, via the online data collection platform, on behalf of the CBHD. The purpose of this attestation is to allow a CBHD to delegate authority for reporting LPS data to DHCS to individuals designated by them. The DHCS LPS Unit will retain this form and will not accept anyone's signature other than the Director, the Director's Designee, or the Alternate Designee to submit LPS data.

Beginning October 1, 2024, CBHDs may complete and submit a Director's Designee attestation in order to assign a maximum of two designees per county. CBHDs shall report any changes to their Designees promptly to DHCS and complete a new Director's Designee Attestation and resubmit to: MHData@dhcs.ca.gov.

DATA COLLECTION PLATFORM ACCESS:

The PD or AD, with delegated authority to sign for the CBHD, must sign the attestation to certify the county compliance with the requirements specified by W&I § 5402. Director's Designee Attestation in [Attachment A](#).

If you have any questions regarding this Information Notice, please contact the DHCS LPS Unit at MHData@dhcs.ca.gov or (916) 323-1864.

Sincerely,

Original signed by

Janelle Ito-Orille, Chief
Licensing and Certification Division

Attachment