



Michelle Baass | Director

DATE: December 9, 2024

Behavioral Health Information Notice No: 24-043

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 Programs
California Association of Social Rehabilitation Agencies
California Consortium of Addiction Programs and Professionals
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) Act Quarterly Data Collection on Involuntary Treatment: Phase III of Senate Bill (SB) 929 Implementation

PURPOSE: Notify stakeholders of Phase III data collection requirements related to involuntary treatment under the LPS Act.

REFERENCE: Welfare and Institutions Code (W&I) [Section 5402](#); [BHIN 23-015](#); [BHIN-24-013](#)

BACKGROUND:

In 2022, the Governor signed SB 929, which amended W&I Code 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 Code Section 5001. W&I Code Section 5402 was further amended by Assembly Bill (AB) 118, signed by the Governor and effective on July 10, 2023.



As amended by SB 929 and AB 118, W&I Code Section 5402 requires each designated and approved facility and each other entity involved in implementing W&I Code Section 5150 to report specified data to the county in which it operates. Each county behavioral health director 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 Code § 5402(a)(1)-(11), (b)(1)(A) and W&I Code § 5402(a)(18)). DHCS may impose plans of correction and/or civil money penalties against counties and LPS-designated and approved facilities that do not submit data timely (W&I Code § 5402(f)(1)-(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 Code § 5402(a)(12), (d)).

POLICY:

DHCS is implementing the data collection requirements of W&I Code Section 5402 as amended by SB 929 in incremental phases. On April 6, 2023, DHCS issued BHIN 23-015, introducing Phase I of the SB 929 implementation. On March 29, 2024, DHCS issued BHIN 24-013, introducing Phase II of the SB 929 implementation.

During the Phase II implementation, DHCS introduced an online data collection platform through "Nintex". This platform was utilized to collect Phase I and Phase II data for the period of January 2023 – March 2024. Counties shall continue utilizing Nintex to submit data for Quarter 4 (April 2024 – June 2024) and onward until further guidance is issued by DHCS. DHCS opened the Nintex platform for Quarter 4 reporting on Friday, July 5th, 2024. The Nintex platform remained open for Quarter 4 reporting until Friday, August 9th, 2024.

This BHIN introduces and implements Phase III of the data collection requirements specified in W&I Code Section 5402. Phase III requires designated and approved facilities and other entities involved in implementing W&I Code Section 5150 to collect additional data elements pertaining to involuntary treatment, as specified in this BHIN. These additional data elements include services provided and the payer/funding used to pay for those services.

By October 30th, 2024, each county behavioral health director shall submit to DHCS accurate and complete data they receive from each designated and approved facility and each other entity involved in implementing W&I Code Section 5150 for the period beginning quarter 1 (July 1, 2024 – September 30, 2024) and onward until further notice (W&I Code § 5402(b)(1)(A) and (C)). Quarterly data is due the 30th day of the month

after the end of each fiscal quarter. When the 30th falls on a weekend or holiday, the report will be due the following regular business day. To enable county behavioral health directors to submit timely and complete data to DHCS, each designated and approved facility and each other entity involved in implementing Section 5150 shall collect and provide the Phase III data to the county behavioral health director in the county in which they operate (W&I Code § 5402(b)(2)(A)). A county may establish and require designated and approved facilities and other entities involved in implementing W&I Code Section 5150 to follow policies and procedures to ensure compliance with data reporting obligations (W&I Code § 5402(b)(2)(B)).

County behavioral health directors are also expected to comply with SB 43 which made further amendments to W&I Code Section 5402. SB 43 guidance has been issued via [BHIN 24-011](#).

Phase III Data Requirements

Designated and Approved Facilities shall collect and provide the Phase III data specified in [Attachment A](#) to the county behavioral health director in the county in which they operate.

Other Entities involved in implementing W&I Code Section 5150 shall collect and provide the Phase III data specified in [Attachment B](#) to the county behavioral health director in the county in which they operate.

For the purposes of data collection and reporting pursuant to W&I Code Section 5402, terminology and definitions are outlined in [Attachment C](#).

For additional information please review the LPS Act Data Requirements Frequently Asked Questions and Data Element Dictionary. If you have any questions regarding this Information Notice, please contact the Mental Health Licensing Branch at MHData@dhcs.ca.gov or (916) 323-1864.

Sincerely,

Original signed by

Janelle Ito-Orille, Chief
Licensing and Certification Division

Enclosures