



DATE: November 15, 2023

Behavioral Health Information Notice No: 23-065

TO: Acute Psychiatric Hospital Administrators  
California Department of Public Health  
California Department of Social Services  
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  
Correction Treatment Center Administrators  
County Behavioral Health Directors  
County Behavioral Health Directors Association of California  
County Drug & Alcohol Administrators  
General Acute Care Hospitals Administrators  
Mental Health Rehabilitation Center Facility Directors  
Psychiatric Health Facility Administrators  
Social Rehabilitation Facility Administrators

SUBJECT: Updated Requirements for Written Records of Antipsychotic Medications Informed Consent for Voluntary Patients

PURPOSE: To provide written guidance to community mental health facilities and health facilities about implementing changes to the Lanterman-Petris-Short Act pursuant to Senate Bill (SB) 184, Chapter 47, Statutes of 2022, which supersede Section 852, Title 9, of the California Code of Regulations (CCR).

REFERENCE: [SB 184, Chapter 47, Statutes of 2022](#)  
[Welfare and Institutions \(W&I\) Code Section 5325.3](#)  
[CCR, Title 9, section 850](#)  
[CCR, Title 9, section 851](#)

## **BACKGROUND:**

Section 852, Title 9, CCR (Section 852) specifies that community residential treatment programs, such as Mental Health Rehabilitation Centers and Community Treatment Facilities, maintain a written record of a patient's decision to consent to receiving antipsychotic medications as defined in [Title 9, CCR, Section 856](#) in the form of a form signed by the patient. If the patient does not wish to sign the written consent form, the physician may place the unsigned form in the patient's records and include a notation that while the patient understands the nature and effect of antipsychotic medications and consents to the administration of such medications, the patient does not desire to sign a written consent form.

In response to the COVID-19 public health emergency Governor Gavin Newsom issued Executive Order [EO-N-55-20](#) in April 2020, which suspended Section 852 to the extent it prevented a patient from receiving psychiatric medication without the patient's physical signature to reduce the spread of COVID-19 and barriers to treatment. SB 184 amended the W&I Code to add Section 5325.3 and make these changes permanent. SB 184, Chapter 47, Statutes of 2022, Section 5325.3 of the W&I Code supersedes Section 852, Title 9, CCR and authorizes the Department of Health Care Services (DHCS) to implement this change by way of information notices or similar instructions without taking further regulatory action. This BHIN is DHCS' implementation guidance regarding this law change.

## **POLICY:**

W&I Code Section 5325.3 specifies that health facilities, as defined in Health and Safety Code Section 1250, except for subdivisions (c), (d), (e), (g), (k), and (m), and facilities that have community residential treatment programs, pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5, Part 2 of the W&I Code, are not required to obtain the signature of a person admitted as a voluntary patient for the purposes of administering antipsychotic medications. Section 5325.3 applies to the following facilities:

- Mental Health Rehabilitation Centers
- Community Treatment Facilities
- Social Rehabilitation Facilities/Programs
- Short-Term Residential Therapeutic Programs
- Children's Crisis Residential Programs
- Crisis Stabilization Units
- Psychiatric Health Facilities

- Acute Psychiatric Hospitals
- General Acute Care Hospitals
- Correctional Treatment Centers

Additionally, for each voluntary patient receiving antipsychotic medications, the facility types specified above shall maintain a written record containing both of the following:

- (1) A notation that the information about informed consent to antipsychotic medications as described in subdivisions (a) to (f), inclusive, of Section 851, Title 9, CCR, or any successor regulations, has been discussed with the patient by the prescribing physician.
- (2) A notation that the patient understands the nature and effect of the antipsychotic medications and consents to the administration of those medications. Written consent from the patient is not required; a written record documenting verbal consent is acceptable.

Facility providers are required to comply with W&I Code Section 5325.3, which took effect on June 30, 2022. The chaptered legislation is available online at the following link: [SB 184, Chapter 47, Statutes of 2022](#).

If you have questions regarding this Information Notice, please contact the Mental Health Licensing Section at [MHLC@dhcs.ca.gov](mailto:MHLC@dhcs.ca.gov) or (916) 323-1864.

Sincerely,

Original signed by

Janelle Ito-Orille, Chief  
Licensing and Certification Division