DATE:

Behavioral Health Information Notice No: 25-XXX

TO: California Association for Alcohol/Drug Educators
California Association of Alcohol & Drug Program Executives, Inc.
California Association of DUI Treatment Programs
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
California Association of Highway Patrolmen
California Peace Officer Association
Disability Rights California
Psychiatric Health Facility Administrators
Mental Health Rehabilitation Center Directors
United States Department of Veterans Affairs

SUBJECT: Lanterman-Petris-Short Act Facility Designation Interim Regulations

PURPOSE: To notify providers and stakeholders of publication of the Lanterman-Petris-Short Act (LPS) Facility Designation Interim Regulations.

REFERENCE: Welfare and Institutions (W&I) Code sections 5008 and 5404.

BACKGROUND:

In 2023, Senate Bill (SB) 43 (Eggman, Chapter 637, Statutes of 2023) amended the definition of "gravely disabled" in the LPS Act, expanding it to include grave disability due to a severe substance use disorder and a co-occurring mental health disorder and a severe substance use disorder. However, SB 43 did not alter the existing requirements for designating facilities to provide treatment under the LPS Act.

In 2024, the Governor signed SB 1238 (Eggman, Chapter 644, Statutes of 2024), facilitating the implementation of SB 43 by expanding the range of inpatient and community mental health facilities authorized to provide treatment under the LPS Act. The Department of Health Care Services (DHCS) is responsible for approving county designation of facilities to provide treatment under the LPS Act.

California Department of Health Care Services
Deputy Director's Office, Behavioral Health
P.O. Box 997413 | Sacramento, CA | 95899-7413
MS Code 2710 | Phone (916) 440-7800 | www.dhcs.ca.gov

State of California
Gavin Newsom, Governor

California Health and Human Services Agency

DHCS has authority to issue the attached LPS Facility Designation Interim Regulations by bulletin. (W&I Code §§ 5008(n) and 5404(e).).

POLICY:
DHCS has the sole authority to approve county designation of facilities to provide treatment under the LPS Act. (W&I Code § 5404(b).) DHCS' LPS Facility Designation Interim Regulations are attached to this BHIN as Attachment A. The interim regulations are effective immediately and enforceable as regulations for any new applications for facility designation approval.

For facilities that are already designated, counties must reapply for designation approval within 18 months of the date of this BHIN (no later than X date). Existing designated facilities must be in compliance with the standards in Article 3 of the interim regulations by the application date. DHCS encourages counties to apply for designation approval early for existing designated facilities that currently meet the standards in Article 3 of the interim regulations.

A county may designate a facility listed in Section 3 of the LPS Facility Designation Interim Regulations to provide treatment pursuant to Chapter 2 of the LPS Act. To apply for facility designation approval or reapply for approval of an existing designated facility, the county's behavioral health director shall submit the Application for Facility Designation Approval or Renewal of Approval form DHCS XXXX by email to: LPSinfo@dhcs.ca.gov.

The Application for Facility Designation Approval or Renewal of Approval form DHCS XXXX is available at the following link: https://www.dhcs.ca.gov/formsandpubs/forms/Documents/LPS-Application-and-Renewal.pdf.

If you have any questions regarding this Information Notice, please contact the Mental Health Licensing and Certification Branch at LPSinfo@dhcs.ca.gov.

Sincerely,

Janelle Ito-Orille, Chief
Licensing and Certification Division

Attachment A: Lanterman-Petris-Short Act Facility Designation Interim Regulations