



County of San Bernardino Department of Behavioral Health

INFORMATION NOTICE 13-13

Date 12/17/2013

To Department of Behavioral Health Staff
Department of Behavioral Health Contract Agencies
Fee for Service Hospitals

From CaSonya Thomas, MPA, CHC, Director

Subject Updates to the Lanterman-Petris-Short Act

Introduction

Recent State legislation has led to revisions, clarifications and additions to the Lanterman-Petris-Short (LPS) Act, which will go into effect January 1, 2014. Currently, the LPS Act provides for the involuntary detention, assessment, evaluation, and crisis intervention of persons who, due to a mental disorder, may pose a danger to themselves or others, or are gravely disabled. The new legislative updates provide consistent standards for protection of the personal rights of persons who are subject to involuntary detention and to provide services in the least restrictive setting appropriate to the needs of the person.

Purpose

To inform the County of San Bernardino, Department of Behavioral Health (DBH) staff of significant changes to the LPS Act as a result of recent State legislation (State Senate Bill 364), which will come into effect on January 1, 2014. This notice will also address applicable impacts to services and treatment provided by Department of Behavioral Health and its contractors.

LPS Act Changes

Effective January 1, 2014, the following significant updates to the LPS Act:

- Amendment included acknowledging telehealth as a means of conducting face-to-face evaluations.
 - New provision added granting more authority to counties to develop written procedures for the designation and training of professionals to carry out LPS Act functions.
 - Amendment included noting that the term "gravely disabled" does not include persons with intellectual disabilities by reason of that disability alone.
 - Amendment clarifying that each agency or facility providing evaluation services shall maintain a current and comprehensive file of all community services both public and private. These files shall contain agreements with agencies or individuals accepting referrals.
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LPS Act Changes (continued)

- Amendment included to add the following individuals that are authorized to take a person into custody for assessment, evaluation and crisis intervention or to place them in an LPS designated facility:
 - Professional persons in charge of a designated facility
 - Professional persons designated by the county
 - Amendment that now includes “responsible relative” to include domestic partner, adult child, grandparent, grandchild, or adult brother or sister of the person.
 - Amendment that now takes into account “responsible relative” of the person to include:
 - Domestic partner
 - Adult child
 - Grandparent
 - Adult grandchild
 - Adult brother or sister of the person
 - Amendment included clarification that each person, at the time he or she is first taken into custody, shall be provided advisement, by the person who takes him or her into custody, information orally in a language or modality accessible to the person. The designated facility shall keep, for each person evaluated, a record of the advisement given, which shall include all of the following:
 - Name of the person detained for evaluation
 - Name and position of the peace officer or other authorized professional taking the person into custody
 - Date the advisement was completed
 - Whether the advisement was completed
 - Language or modality used to give the advisement
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References

California Health and Safety Code, [Section 1799.111](#)
[California Senate Bill 364](#), Mental Health,
California Welfare and Institutions Code, [Sections 5001, 5008, 5013, 5121, 5150, 5151, and 5259.3](#)

Related Policies

DBH, Standard Practice Manual, CLP0818 – [Policies Regarding Authorization and Designation Pursuant to the Lanterman-Petris-Short \(LPS\) Act](#)
DBH Standard Practice Manual, CLP0829 – [Transportation for 5150/5585 Clients Policy](#)
DBH Standard Practice Manual, CLP0829-1 – [Procedure for Transport of 5150/5585 Clients](#)

Questions

Questions regarding this Information Notice may be directed to the Department of Behavioral Health, Patients’ Rights Office at (909) 421-4657.
