



Behavioral Health Patients' Rights Office

Dr. Georgina Yoshioka,
DSW, MBA, LCSW
Director

Jennifer Alsina, MBA
Assistant Director

Marina Espinosa, MPA
Assistant Director

To: Non-Designated Medical Hospitals, Emergency Departments, and Crisis Stabilization Units within San Bernardino County

From: San Bernardino County, Department of Behavioral Health (DBH)

Date: March 14, 2023

Subject: Assembly Bill (AB)2275 Implementation for San Bernardino County

- The purpose of this letter is to provide guidance regarding implementation of AB2275 (amendment to LPS Act) in San Bernardino County.
- This letter does not constitute legal advice. Please consult with facility leadership and designated legal counsel.
- AB2275, effective January 1, 2023, amends Welfare and Institutions Code (WIC) §5150 et al, specifically pertaining to involuntary commitment at *any* facility, including LPS-designated and non-LPS designated facilities [i.e., emergency departments (ED), medical hospitals, Crisis Stabilization Units] when a patient is not released after the initial 72-hour detention.

In summary, AB2275:

- Specifies the 72-hour period of detention begins when a person is first detained pursuant to WIC §5150.
- Requires a facility detaining a person pursuant to WIC §5150 to notify the County Office of Patients' Rights if the person is not released within 72 hours from the initial detention.
- Requires a Certification Review Hearing (CRH) be held within 7-days from the date the person was initially detained pursuant to WIC §5150 unless judicial review (writ of

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habeas corpus) has been requested by the person or a person acting on their behalf [WIC 5256(b)]; or unless voluntary detainment is agreed upon by patient in writing.

- CRH must be conducted in accordance with WIC §5256.1 – §5256.7.
- Expands the right to judicial review by writ of habeas corpus to all persons detained by WIC §5150 *and* held longer than the 72 hours (WIC §5275).

The accompanying documents provide further clarification on the requirements, responsibilities, and extended due process rights dictated by AB2275. These documents also provide information and guidance on the San Bernardino County CRH process for non-designated facilities. San Bernardino County Office of Patients' Rights will continue to provide updates via DBH Office of Patients' Rights webpage, as further information is attained by California Department of Health Care Services (DHCS) regarding AB2275 implementation.

Accompanying Documents (posted on DBH Office of Patients' Rights webpage):

- AB2275 Bill Text
- Guidance for Detaining Persons by 5150 Application in Non-LPS Designated Facility (PR006)
- AB2275 Flow Chart Non-Designated Facilities (PR005)
- Notice of Patients' Entitlement to CRH (PR003)

If you have any questions or concerns regarding this informational letter, please contact the Office of Patients' Rights or DBH Directors/designee.

Regards,

Office of Patients' Rights
Department of Behavioral Health
San Bernardino County

SUBJECT
DATE
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