
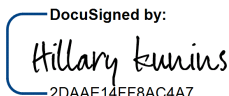


BHS Policies and Procedures

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POLICY/PROCEDURE REGARDING: Authority for Involuntary Detention for 72-Hour Evaluation and Treatment

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| Issued By: Hillary Kunins, MD Director of Behavioral Health Services DocuSigned by:  2DAAE14FF8AC4A7... Date: April 27, 2023 | Manual Number: 3.07-02 References: California Welfare and Institutions Code, Sections 5000-5121, 5150-5155, 5585-5585.25, 5585.50-5585.89; and Health and Safety Code, Sections 1250, 1250.2. |
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(Substantive Revision. Replaces policy 3.07-02 dated January 15, 2015)

EQUITY STATEMENT: The San Francisco Department of Public Health, Behavioral Health Services (BHS) is committed to leading with race and prioritizing Intersectionality, including sex, gender identity, sexual orientation, age, class, nationality, language, and ability. BHS strives to move forward on the continuum of becoming an anti-racist institution through dismantling racism, building solidarity among racial groups, and working towards becoming a Trauma-Informed/Trauma Healing Organization in partnership with staff, clients, communities, and our contractors. We are committed to ensuring that every policy or procedure, developed and implemented, lead with an equity and anti-racist lens. Our policies will provide the highest quality of care for our diverse clients. We are dedicated to ensuring that our providers are equipped to provide services that are responsive to our clients’ needs and lived experiences.

PURPOSE: The intention of this policy is to provide guidelines for establishing authority for involuntary detention for up to 72-hour evaluation and treatment and to ensure compliance with state law, regulations, and county procedures (Welfare and Institutions Code, Section 5121).

SCOPE: This policy is issued by Behavioral Health Services (BHS) and applies to eligible individuals working in the City and County of San Francisco who have or seek authorization to initiate and sign applications for 72-hour evaluation and treatment pursuant to Section 5150, et seq. or Section 5585, et seq. of the Welfare and Institutions Code. This policy describes the county’s designation and training of professionals who may be designated to perform functions under Sections 5150 and 5585, which include (a) the license types, practice disciplines, and clinical experience of professionals eligible to be designated by the county; (b) the initial and ongoing training and testing requirements for professionals eligible to be designated by the county; (c) the application and approval processes for professionals seeking to be designated by the county, including the timeframe for initial designation and procedures

for renewal of the designation; and (d) the county's process for monitoring and reviewing professionals designated by the county to ensure appropriate compliance with state law, regulations, and county procedures (W&I Code, Section 5121).

POLICY:

I. DEFINITIONS

A. LANTERMAN-PETRIS-SHORT (LPS) DESIGNATED FACILITY is a mental health treatment facility designated by the county Board of Supervisors for evaluation and treatment, approved by the State Department of Health Care Services, and is licensed as a health facility as defined in subdivision (a) or (b) of Section 1250 or 1250.2 of the Health and Safety Code or is certified by the State Department of Health Care Services to provide mental health treatment. A designated facility may include, but is not limited to, a licensed psychiatric hospital, a licensed psychiatric health facility, and certified crisis stabilization units.

B. AUTHORIZED FACILITY is a facility or programs in which qualified staff is certified by BHS to initiate and sign an *Application for Up to 72-Hour Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment* (Form DHCS 1801-12/2019). Programs are encouraged to have several staff with authorization privileges.

C. FACILITY AUTHORIZATION LIST is a document that lists those staff within the program or facility designated by the City & County of San Francisco to perform functions commencing with Section 5000 of the Welfare and Institutions Code.

D. AUTHORIZATION CARD is a small, wallet-sized card which will be issued by BHS, identifies the holder or individual staff member of an authorized facility, as having the authority to initiate and sign an *Application for Up to 72-Hour Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment* pursuant to Section 5150, et seq. or Section 5585, et seq. of the Welfare and Institutions Code. Staff members who have been issued an authorization card are also reflected on the list of certified staff. Individual authorization cards are issued to individual staff members of authorized facilities when the preponderance of their work occur offsite of the authorized facility (e.g., outreach, intensive case management, crisis).

E. DESIGNATED STAFF refers to an eligible individual who has completed the required certification training and has successfully passed the examination. Staff certified as designated by the City and County of San Francisco have the authority to initiate and sign an *Application for Up to 72-Hour Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment* for an individual who is a danger to self or others, or is gravely disabled, as a result of a mental health disorder and is unable or unwilling to accept treatment voluntarily.

F. **AGENCIES OUTSIDE CCSF DEPARTMENTS OR ORGANIZATIONS** refers to agencies that are not civil service providers or their contractors.

G. **OTHER QUALIFIED PROFESSIONALS** refers to providers who are not registered or licensed mental health professionals; however, may be designated by the City & County of San Francisco to perform functions commencing with Section 5000 of the Welfare and Institutions Code due to operational or other clinical needs.

II. ELIGIBILITY

The following persons are authorized to initiate and sign an *Application for Up to 72-Hour Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment*:

- Peace Officers as defined by Sections 830-832.19 of the California Penal Code.
- The City and County of San Francisco under the auspices of the Director of Behavioral Health is responsible for training, delegating authority to approved individuals as described below, monitoring use of involuntary holds, and quality management activities. If, based on the departments' review of holds initiated, it is determined that 5150 hold are being inappropriately initiated, the County Behavioral Health Director may revoke the authority of a designated person to initiate Section 5150 holds. The following persons who have met applicable procedural requirements adopted by the county behavioral health director under Section 5121 of the California Welfare and Institutions Code upon a finding of probable cause to initiate temporary psychiatric holds under Section 5150 of the California Welfare and Institutions code upon a finding of probable cause to initiate such holds under the criteria set forth in that section, and subject to all other requirements of that section for initiating such holds and have had direct or delegated training on involuntary psychiatric detention within the last 3 years and have successfully passed the examination are designated by the City & County of San Francisco as authorized to initiate and sign an *Application for Up to 72-Hour Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment*:
 - Licensed mental health professionals and other related licensed professionals who work in an LPS designated facility.
 - Licensed physicians who work in a hospital medical emergency department or other designated hospital settings, or other designated entities as approved by the Director of Behavioral Health or designee.
 - Licensed mental health professionals and other related licensed professionals who work in authorized facilities or community health settings.
 - Board registered (unlicensed) mental health professionals functioning under the supervision of a licensed mental health professional in authorized facilities or community health settings.
 - Specially trained paramedics who work with the SFFD Community Paramedic Programs.
 - Agencies from outside of the CCSF departments or organizations may require a Memorandum of Understanding.

- Other mental health professionals at the discretion of the Director of Behavioral Health or designee.

Please note that student interns, non-clinical staff, peer support staff, and private practitioners are not eligible for certification.

III. TRAINING AND CERTIFICATION PROCESS

The Program Director or designated lead contact person of the authorized facility shall ensure that only staff eligible for initial certification or re-certification as required in the performance of their job duties will attend the required training. In order to be certified for authorization, staff must attend the required training and successfully pass the examination. Continued certification requires re-training and testing on a regular basis (i.e., 3 year increments) as described above in section II.

Training related to authorization must be provided by or delegated by BHS. Some programs have been delegated to provide their own training to their staff. Delegated trainings must be approved by the LPS Coordinator for BHS. Delegated trainers must be currently certified. The delegated trainer is to use training materials and components including the post-test approved by the LPS Coordinator and must report those staff to be added to or removed from the facility list to the Program Director or designated lead contact person. The delegate trainers are required to have a quality assurance plan for their site and conduct QM activities regularly.

Programs that are authorized and have certified staff to initiate and sign the *Application for up to 72-Hour Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment* are issued a Facility Authorization List. Once staff are trained and obtain a passing score of at least 80% on the post test, they are added to the facility list. The certification period starts on the day of successful passing of the examination. It is the responsibility of the facility's Program Director or designated lead contact person to help monitor the facility list which is reviewed at minimum quarterly, to notify DPH of staff who have left the program or transitioned to a new role, and to collect and return cards. The Program Director or designee is to submit needed revisions to the LPS Coordinator for BHS as needed. The official updated facility list is then sent to the Program Director or designee. The facility authorization list is maintained and issued by BHS.

For those staff eligible for an individual card, the card shall be issued by BHS upon completion of training and passing the examination. Individual cards generally are not issued except to those staff whose work is primarily outside of the authorized facility. The card is mailed to the Program Director or designated lead contact person for distribution. The card is to be surrendered to the facility's Program Director or designee upon the staff's termination from employment at the authorized facility.

Staff authorization to initiate an involuntary psychiatric hold applies only to the facility to which they are issued and only during the authorized staff member's working hours. If one is employed

by multiple authorized sites, the individual can request to be listed as being certified at all sites and does not need additional training. When a staff member leaves and moves to another program that has a facility certificate, that employee may request to transfer their certification to the new program without re-training as long as it is within the current certification period (see section II above) and the employee remains eligible. All such requests are to be made through the Program Director or designated lead contact person.

All cards and certifications apply only to the City and County of San Francisco. The list of certified individuals or the individual card shall be made available upon request. Revocation of certification status is at the discretion of the Director of Behavioral Health Services or designee.

IV. TRANSPORTATION

Individuals authorized to complete applications will arrange for transportation and coordinate with the receiving facility. Individuals initiating hold and/or treating provider should contact facility to provide collateral information and coordinate about discharge planning whenever possible. Individuals placed on a 5150/5585 California Welfare and Institutions Code hold are to be transported to the hospital via ambulance or other clinically appropriate transportation. Staff initiating the 5150/5585 hold will complete the "Application For Up to 72-Hour Hold, Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment" form and provide a copy to the receiving facility as well as a copy for client's medical record. Comprehensive Crisis Services, including Mobile Crisis Treatment Team and Child Crisis Services, can be called to do crisis evaluations, but do not provide transportation services for involuntary holds initiated by other certified staff. In situations where an individual presents a public safety risk or there is active violence, law enforcement may be willing/able to support an individual entering an ambulance

V. QUALITY ASSURANCE PLAN

DPH will develop and implement a quality assurance plan. The plan shall include a process for reviewing Section 5150 holds by mental health professionals at a regularly held meeting. Following the review, feedback will be provided to staff regarding specific Section 5150 holds and SFDPH will develop and provide additional training, as necessary and appropriate based on the reviews. If, based on the departments' review of holds initiated, it is determined that 5150 holds are being inappropriately initiated, the County Behavioral Health Director, in accordance with the Quality Assurance Plan, and after conferring with the agencies' director, may revoke the authority of a designated staff to initiate Section 5150 holds. Authorization for each staff member shall be reviewed by the SFPDH Program Administrator on an annual basis and renewed as indicated. In the event that a designated staff member vacates their position, the Program Administrator or delegate trainer for that site will be responsible for informing the SFDPH Program Administrator immediately and returning the staff's 5150 card.

VI. EVALUATION OF MINORS

A minor is defined as anyone who is 17 years old or younger and is not emancipated by a court of law, is not married, or is not in the armed forces. Emancipated minors are considered adults.

San Francisco County has designated Child Crisis Services in conjunction with Edgewood Crisis Stabilization Unit (CSU) as having primary responsibility for the Section 5585 evaluation. Child Crisis has sole responsibility for the authorization of inpatient psychiatric admissions for all publicly funded children and youth that have San Francisco County Medi-Cal. Child Crisis Services must be contacted regarding any minor requiring an evaluation. Child Crisis Service is a 24/7 mobile crisis unit that provides acute psychiatric crisis intervention and evaluation for all minors of San Francisco regardless of insurance status.

VII. DISCONTINUATION OF THE 72 HOUR INVOLUNTARY HOLD

Any staff member certified to institute an involuntary psychiatric hold pursuant to Welfare and Institutions Code, Sections 5150 or 5585.50, is also eligible to discontinue the hold. It is required that discontinuation of the hold occurs following a face-to-face, including telehealth, evaluation of the client's condition and it is determined that the person no longer meets criteria for danger to self or others, or grave disability as the result of a mental health disorder, and can be appropriately served on a voluntary basis. Upon admission to a designated facility, the facility may discontinue the hold with the authority to release in compliance with Welfare & Institutions Code, Sections 5151 and 5152(a).

Contact Person: LPS Coordinator for Behavioral Health Services.

Link: *Application for Up to 72-Hour Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment* (form DHCS 1801- 09/2023) access at:

<https://www.dhcs.ca.gov/formsandpubs/forms/Forms/DHCS-1801.pdf>

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