



## Legislation Text

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**File #:** 2020-0216, **Version:** 1

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**To:** Board of Supervisors of Sonoma County  
**Department or Agency Name(s):** Department of Health Services  
**Staff Name and Phone Number:** Barbie Robinson, 565-7876  
**Vote Requirement:** Majority  
**Supervisory District(s):** Countywide

**Title:**

Lanterman-Petris-Short Act Designations

**Recommended Action:**

Adopt a resolution designating certain professional persons who, upon probable cause, may detain individuals with mental disorders.

**Executive Summary:**

The Department of Health Services is requesting that the Board adopt a resolution designating certain professional persons who, upon probable cause, may detain individuals with mental disorders. Approval of this resolution will allow these certain professional persons to detain and assess on an involuntary basis, minors and adults who are a danger to others, to themselves, or gravely disabled under the Lanterman-Petris-Short Act.

**Discussion:**

The legislative intent of the Lanterman-Petris-Short (LPS) Act passed by the California legislature in 1968, set forth in the California Welfare and Institutions Code, was to end the inappropriate, indefinite, and involuntary commitment of individuals with mental illness to psychiatric hospitals and to provide them with prompt evaluation and treatment. These statutes and subsequent regulations established the conditions, standards, and specific legal criteria and procedures under which individuals could be involuntarily detained, assessed, evaluated and, if necessary, treated in a psychiatric hospital against their will. An individual can only be involuntarily detained and assessed if there is probable cause to believe that because of a mental disorder the individual poses a danger to self or others, or is gravely disabled, which is defined as unable to provide for one's own food, clothing and/or shelter, and, as to minors, unable to use elements of life essential to health, safety, and development even though provided by others. These requirements are referred to as the "5150 criteria" after the section of the Welfare and Institutions Code that authorizes detaining people with mental disorders.

The LPS Act gives certain persons such as peace officers and persons in charge of designated psychiatric facilities the authority to detain someone they believe to be a danger to self or others, or gravely disabled. For other professional persons to have this authority, they must be designated by the County.

By adopting this resolution, your Board will be authorizing several professional persons within the Department of Health Services, Behavioral Health Division, to detain persons who meet 5150 criteria. Several of these professionals already have designated status from prior Board actions, and for those this resolution confirms

that status. This designation includes clinical staff assigned to the Mobile Support Team.

In addition, the Behavioral Health Director is recommending that professional staff of the emergency departments of the following local hospitals also be designated: Healdsburg District Hospital, Kaiser Permanente Santa Rosa, Petaluma Valley Hospital, Sonoma Valley Hospital, and Sutter Santa Rosa Hospital. Each of these hospitals has been requesting that their emergency department professionals be designated, and the Behavioral Health Director agrees that clients and the County benefit from the ability of hospital emergency departments to place involuntary 5150 holds on persons in mental health crisis entering the system through hospital emergency departments. The holds ensure the safety of the emergency department patients, and the community in cases where the patient is deemed a danger to others as a result of mental illness. The Kaiser designation will extend beyond its emergency department since it is responsible for psychiatric inpatient care for its members.

Finally, the Behavioral Health Director is recommending designation of clinical staff associated with a few community-based partners who serve the seriously mentally ill. Those partners are: Santa Rosa Veterans' Administration Clinic, Seneca Family of Agencies -Seneca Compass, Sonoma Assertive Community Treatment run by Telecare, and Buckelew Programs. These entities are either a component of the Health Services service continuum, or operate independently and have responsibility for arranging ongoing psychiatric services for their clients and beneficiaries.

The LPS Act allows county Behavioral Health Directors to require education and training for those persons designated to involuntarily detain individuals to ensure compliance with important due process rights. In order to ensure appropriate use of the authority given to professional persons specified in the resolution, the Sonoma County Behavioral Health Director will provide initial and ongoing training regarding the requirements of state law, regulations, and county procedures applicable to the detention of persons pursuant to the LPS Act. Professional persons who have completed the required trainings will obtain a certification card that, combined with this designation, establishes their authority to involuntarily detain a person who meets 5150 criteria.

#### **Prior Board Actions:**

The Board has issued designations in the past. The current resolution reflects system changes and updates the designations to reflect current needs and resources.

#### **FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 19-20 Adopted</b>	<b>FY 20-21 Projected</b>	<b>FY 21-22 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			

Contingencies			
<b>Total Sources</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Narrative Explanation of Fiscal Impacts:**

There are no direct fiscal impacts associated with this item.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Resolution

**Related Items "On File" with the Clerk of the Board:**

None