

**RIVERSIDE COUNTY**

**DEPARTMENT OF MENTAL HEALTH POLICY**

**POLICY NO:** **142**

**SUBJECT:** **WIC 5150/5585.5 APPLICATION FOR 72 HOUR DETENTION FOR MENTAL HEALTH EVALUATION AND TREATMENT**

**REFERENCES:** Community Mental Health Services Act, Division 5, Welfare & Institutions Code Sections 5150, and 5585.5; Title 9, California Administrative Code; Policy Nos. 140, 141 and 143, Riverside County Department of Mental Health; State Department of Mental Health, Memorandum of 2-8-83, Patients' Rights Office.

**FORMS:** Application for 5150 Authorization

**EFFECTIVE DATE:** June 26, 1990

**REVISED DATE:** March 27, 2013, March 26, 2003, August 20, 1997, and August 7, 1992

**POLICY:**

Riverside County Department of Mental Health (RCDMH) provides a system of comprehensive services to meet the mental health needs of County residents. At times it becomes necessary to detain against their will certain persons with serious mental disorders for psychiatric evaluation and treatment. The Welfare and Institutions Code (WIC), Division 5, Sections 5150, and 5585.5 specify the circumstances under which a person may be detained and the procedures required to initiate detention.

In accordance with WIC, it is the policy of the Department to establish standards and procedures to formally authorize professionals to initiate the process of involuntary detention of mentally disordered persons. Peace officers are authorized by law to sign the Applications for 72 Hour Detention for Evaluation and Treatment to detain persons who are a danger to themselves or others, or gravely disabled. Mental health professionals must be specifically authorized by the county as to the scope of their authority to act in this capacity. The requirement for formal authorization to do this applies to both

RCDMH professionals and to those employed by private mental health facilities. Staff members conducting involuntary holds are responsible for ensuring they have a current authorization.

**PURPOSE:**

The purpose of this policy is to identify the professional persons who may be authorized by Riverside County to initiate WIC 5150/5585.5 detentions; to specify the criteria qualifying such persons to be granted this authority; and to enumerate the procedures involved in the authorization process. It is the intent of this policy that WIC 5150/5585.5 detention for 72-hour emergency treatment and evaluation under the Lanterman-Petris-Short (LPS) Act should be utilized only when voluntary evaluation and treatment is not a viable option. Whenever possible, the least restrictive mode of treatment should be utilized and voluntary status encouraged.

A. Authorization of Personnel

Sections 5150 (adult) and 5585.5 (minor) (et seq.), WIC, authorizes the following classes of persons, upon probable cause, to take into custody, or cause to be taken, individuals who are gravely disabled or a danger to themselves or others as a result of mental illness:

1. Peace Officers,
2. Professionals employed by RCDMH to provide clinical and crisis services
3. Certain other professional persons authorized by the County.
  - a. RCDMH employees authorized by the local Mental Health Director to have WIC 5150/5585.5 authority retain this authority regardless of physical location, provided that they are operating in their capacity as an RCDMH employee. This authority does not extend to other employment outside of the Department and requires a separate application for the county employee to have 5150 authority at non-county sites unless specifically designated by the local Mental Health Director.
  - b. Non-County employees are designated only to an authorized site. A separate application needs to be submitted if the employee works at different sites.
  - c. WIC 5150/5585.5 authority is granted by the local Mental Health

Director; therefore, that authority does not extend into other counties unless:

- 1) Specifically provided for by contract
- 2) Authorization by that county
- 3) With approval of the local Mental Health Director
4. It is important to note that when an involuntary hold under WIC is initiated by an authorized designee, the decision to actually admit and detain the person for evaluation and treatment on involuntary inpatient status is made by the designated facility's authorized professional.
5. Regardless of the fact that an individual is authorized to initiate WIC involuntary holds throughout the county, the staff member is responsible for having a copy of their authorization on file for each site they are assigned to work.

#### B. Criteria for Authorization of Personnel

All authorized staff must have a minimum of two (2) years experience servicing people who carry a mental health diagnoses prior to application. Exceptions to the experience requirement may be authorized on a case-by-case basis by the Director or designee. Only persons meeting the licensing, discipline and training requirements delineated below will be eligible after they have two (2) years of mental health experience to apply for authority to initiate WIC 5150/5585.5 detainments within Riverside County:

1. Licensed Psychiatrists
2. Licensed (or license-waived) Psychologists
3. Licensed (or license-waived) Social Workers
4. Licensed (or license-waived) Marriage and Family Therapists
5. Registered Nurses
6. Additional professional persons who may be eligible for authorization include:
  - a. Professional persons as specified above who are attending staff at a RCDMH designated facility for evaluations in that facility only unless

determined by the Mental Health Director;

- b. RCDMH employees who need this authorization to complete their assigned job tasks as determined by the Department.
- c. Employees of RCDMH contracted providers.
- d. Other professionals as specified above, including emergency medical doctors and nurses in non-designated hospitals;

C. Exception for RCDMH Employees Only

Generally, only licensed staff with the required experience will be authorized to initiate involuntary detentions. However, in program areas within RCDMH where such personnel are not available, exceptions may be authorized on a case-by-case basis by the Director or designee. In all cases, these authorized staff will receive regular training and supervision for this function.

D. Application for Authorization

- 1. Application for authorization of staff shall include a completed and signed "Application for 5150 Authorization" form (Attachment A) and a copy of the current professional license (or verification of "Board-eligible" status, or license waiver pending attainment of all requirements). The application must be co-signed by the applicant's supervisor or Medical Director.
- 2. All authorized staff must complete WIC 5150/5585.5 training and receive a passing score on the written examination provided by RCDMH. Training entails the following:
  - a. Formal training concerning LPS provisions and the detention process
  - b. Current patients' rights legislation
  - c. Passing score on an examination administered by RCDMH
  - d. Failure to pass the examination will result in non-authorization; however, the professional person may attend the next formal training, and retake the examination
  - e. Training and formal testing will be offered on at least a quarterly

basis. Additional trainings may be scheduled with greater frequency according to need, at the discretion of the RCDMH Assistant Director or WIC “5150 Committee”

- f. All persons with authority to order involuntary detention may be required to participate in training and retesting at least every two (2) years, or sooner, at the discretion of the Director of Mental Health or designee.
3. The local Mental Health Director (or designee) shall review the completed applications.
  - a. Upon successful completion of the course, the “Application for 5150 Authorization” is approved and signed by the Mental Health Director or Designee. A copy of the form indicating approval and expiration date is forwarded to the supervisor, and the original is maintained on file in Inpatient Quality Improvement (QI). The supervisor shall notify the employee that they are approved to initiate involuntary detention.
  - b. If the request is denied, the Director or designee shall specify the reason(s) on the “Application for 5150 Authorization” and forward a copy of the form to the supervisor. The supervisor will notify the applicant. Applicants will be notified of the next WIC 5150/5585.5 training session.
4. The employee is responsible to ensure they request supervisory approval to apply for 5150 authorization again prior to the expiration date as indicated on the approved “Application for 5150 Authorization.”
5. The Director will provide for biennial review of all previously authorized staff, to determine whether the authorization shall continue or be terminated.

#### E. Allocation of Authorized Personnel

The local Mental Health Director (or designee) will limit the number of eligible persons authorized to initiate WIC 5150/5585.5 detentions according to the following guidelines:

1. Within RCDMH, only professional staff recommended by their supervisor and whose authorization is deemed necessary to facilitate LPS activities by the local Mental Health Director will be recommended for authorization.

2. Attending staff of designated facilities and County contracted providers of mental health services must likewise be determined essential to daily operations and recommended to RCDMH for authorization by the Director/Manager/Administrator of that facility.
3. The Director or supervisor of each facility or county clinic shall maintain for inspection by the local Mental Health Director (or designee), records verifying that 5150 authorized staff have met the eligibility, training and testing requirements.
4. The Director or supervisor at each facility or clinic shall notify the Inpatient QI supervisor of any personnel changes related to authorized staff, at least quarterly.

#### F. Procedures for Renewal of Authorization

1. Unless specifically indicated to the contrary, all authorizations will be valid for two years. The expiration date is noted on the Application for 5150 Authorization" form when approval is granted.
2. The local Mental Health Director (or designee) will notify the employee and supervisor at least 60 days prior to the expiration of the professional person's authorization.
3. The employee's supervisor will submit a new application form for professional persons along with a copy of current licensure (or waivered status), a copy of an Application for 72 Hour Detention for Evaluation and Treatment written by the applicant in the last two (2) years, and request for reauthorization to the local Mental Health Director (or designee).
4. The local Mental Health Director (or designee) shall review the request, approve or deny the "Application for 5150 Authorization," and forward a copy to the supervisor, who shall notify the applicant. If the request for authorization is denied, the Director (or designee) shall specify the reason(s) for this decision in writing.

#### G. Scope of Authority

It is the intent of this policy that individuals authorized to write an "Application for 72 Hour Detention for Evaluation and Treatment" will do so only during the course of their employment or relationship as indicated in their application for WIC 5150 authorization. Any changes in the employment or relationship may result in termination of WIC 5150/5585.5

authorization status, unless an exception is obtained by the local Mental Health Director or designee.

All staff authorized to initiate detentions pursuant to WIC 5150/5585.5 shall follow the guidelines below:

1. Authority to initiate WIC applications for detention shall be exercised only while the approved applicant is on duty with the facility and/or program, which recommended him/her, with the exception of RCDMH staff that fulfills their duties at multiple locations.
2. Professional persons authorized to initiate involuntary detention must send the person to a Riverside County LPS designated facility only.
3. A professional person serving on the staff of more than one authorized facility must be officially authorized for each specific facility at which he/she intends to use this authority.
4. Applicants granted WIC 5150/5585.5 authority under the category "Other Professionals," shall exercise involuntary detention authority only in accordance with the written agreement established between the designee's employing facility and RCDMH.
5. The RCDMH supervisor of a facility shall notify the Inpatient QI within thirty (30) days of any authorized person's termination of employment or termination of authorization.
6. All WIC 5150 authorized staff, at the direction of the local Mental Health Director, shall make available WIC 5150/5585.5 documents to RCDMH for the purposes of monitoring and quality assurance.

#### H. Revocation or Termination of WIC Authorization

The local Mental Health Director or designee has the discretion to revoke and/or terminate authorization of any individual to initiate involuntary holds under the following circumstances (not inclusive):

1. Consistently inappropriate applications as determined by the 5150 Training Committee through review of documentation.
2. Failure to execute WIC detention authority during the authorization period (two years) without justification of the need to remain designated.
3. Change of job responsibilities and/or assignment, resulting in an

individual's failure to meet the criteria necessary to receive WIC detention authority.

4. Abuse of WIC detention authority as determined by the RCDMH 5150 Committee. The 5150 Committee consists of:
  - a. The Department of Mental Health Medical Director
  - b. Assistant Mental Health Director for Programs
  - c. Patients' Rights Advocate
  - d. Quality Improvement Manager
  - e. Regional Mental Health Services Manager or designee
  - f. QI Inpatient Supervisor
  - g. 5150 Trainers

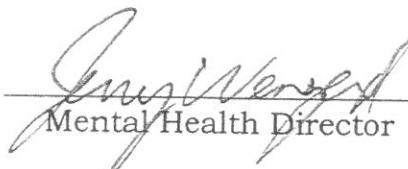
I. Appeal Procedures

1. A person who has been denied WIC detention authorization status upon application or renewal, or whose authority has been suspended or revoked by the local Mental Health Director or designee, may appeal that action. The appeal must be made in writing through the supervisor to the local Mental Health Director within ten (10) business days of notification of the action.
2. Within ten (10) business days of receipt of the written appeal request, the local Mental Health Director (or designee) shall review the request with the aggrieved party. It shall be within the discretion of the local Mental Health Director if any additional staff or the 5150 Committee shall be involved in the review process. The review may be continued by the Director over a period of time as may be necessary to resolve the matter.
3. At the conclusion of the review, the local Mental Health Director shall, within five (5) business days, affirm, modify or rescind the original recommendation to deny authorization, and shall summarize the reason(s) for such action in writing to the aggrieved individual. The decision of the local Mental Health Director will be final.

J. Monitoring of WIC 5150/5585.5 Functions

1. The 5150 Committee will conduct ongoing monitoring of authorized staff to ensure appropriateness of WIC involuntary detentions, and will document such monitoring.
2. Monitoring activities may include, but not be limited to periodic review of WIC 5150/5585.5 documents and periodic on-site visits to review procedural compliance with LPS statutes regarding involuntary detention.
3. Facilities employing authorized staff shall establish an internal system of supervision and monitoring of authorized staff to ensure proper implementation of this policy.
4. The local Mental Health Director shall be notified of any deficiencies in procedural compliance. Depending upon the nature of the non-compliance, the Mental Health Director may:
  - a. Temporarily suspend the individual's authorization and/or the organization's designation for a period of time not to exceed sixty (60) days (for the purposes of corrective action and assurance of future compliance), or
  - b. Withdraw the authorization of the professional person(s) involved.

Approved by:

  
\_\_\_\_\_  
Jennifer Wenzel  
Mental Health Director

Date: 3-27-2013

Attachments:

Application for 5150 Authorization, Attachment A



RIVERSIDE COUNTY DEPARTMENT OF MENTAL HEALTH  
Quality Improvement Inpatient  
Application for 5150 Authorization

Attachment A  
Page 1 of 1

Application Type:  New  Renewal, Date of prior Riverside County 5150 training: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_ Employee ID#: \_\_\_\_\_

Discipline & License #:  MFTi  LMFT  ACSW  LCSW  Psy.D  Ph.D  MD  DO  
 RN  Tribal Ranger  Other, specify \_\_\_\_\_ License/Registration#: \_\_\_\_\_

Employer/Work Site: \_\_\_\_\_ Work Number: \_\_\_\_\_

Date of Hire (Current Position): \_\_\_\_\_ Email Address: \_\_\_\_\_

To be authorized as:

- RCDMH Employee
- Attending staff at RCDMH designated facility
- Employee of RCDMH contracted provider
- Other professional (i.e., emergency department doctor, nurse, social worker, tribal ranger)

**REQUIRED:** The undersigned certifies that the applicant has \_\_\_\_\_ years of experience providing services to individuals with mental illness. In addition, the applicant meets the necessary requirements for designation according to RCDMH Policy #142.

Signature of Applicant	Job Title	Date
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**REQUIRED** Signature of Supervisor	Job Title	Date
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Name of Supervisor: \_\_\_\_\_ Supervisor's Work Number: \_\_\_\_\_

Email of Supervisor: \_\_\_\_\_

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**To Be Completed By Mental Health Director/Designee**

(Copy of this form sent to Supervisor once section complete)

**RENEWAL:** Based upon the Quality Improvement Inpatient Department's review of the applicants 5150s written, the applicant is hereby granted a renewal of 5150 authority to initiate detention, upon probable cause, of mentally disordered persons in a facility designated by Riverside County as a facility for 72-hour treatment and evaluation in accordance with the above policies and the Welfare & Institutions Code. This authorization will expire on \_\_\_\_\_.

**NEW AUTHORIZATION:** Based upon the completion of the training on \_\_\_\_\_ and passing the 5150 exam, the applicant is hereby granted 5150 authority to initiate detention, upon probable cause, of mentally disordered persons in a facility designated by Riverside County as a facility for 72-hour treatment and evaluation in accordance with the above policies and the Welfare & Institutions Code. This authorization will expire on \_\_\_\_\_.

**DENIED:** Applicant's request for 5150 authorization is denied for the following reason(s):

Did not pass 5150 exam. Date of exam: \_\_\_\_\_.

Renewal denied. Upon QI Inpt review, applicant has excessive deficiencies in 5150s written.

Signature of Mental Health Director/Designee	Date
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