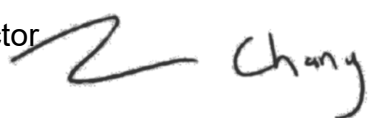

TO: Designated Psychiatric Treatment Facilities/Hospitals

FROM: Matthew Chang, MD, MMM, Director
RUHS – Behavioral Health 

DATE: November 21, 2024

SUBJECT: **Inclusion of WIC 5270.15 (30-day Certification) as alternative to T-CON**

This memo has been written to inform that Riverside County has authorized the right to utilize Welfare and Institutions Code (WIC) 5270.15 which refers to an additional 30-day involuntary psychiatric hold over and above that of a 5150 and 5250 hold in the state of California.

History

The Lanterman-Petris-Short (LPS) Act encompasses Welfare and Institutions Code 5000-5550 regarding the Detention of Mentally Disordered Persons for Evaluation and Treatment. The LPS Act specifically addresses involuntary detention as follows:

WIC 5150/5151/5152: 72-hour hold

WIC 5250: 14-day holds

WIC 5260: second 14-day hold for dangerousness to self

WIC 5270.15: 30-day hold for gravely disabled persons (as alternate to T-CON)

WIC 5300: 180-day hold for imminent dangerousness to others

WIC 5352.1: temporary conservatorship

WIC 5350: permanent conservatorship

While most of these holds were instituted as a **requirement** of the LPS act, it was left to each individual county to determine whether to authorize WIC 5270.15. In prior years, counties that have elected to authorize and utilize WIC 5270.15 are as follows: Los Angeles, Orange County, San Diego, Santa Barbara, Sacramento, Placer, San Joaquin, Contra Costa, Merced, Yolo, Shasta, and Tulare County.

Riverside County Board of Supervisors recently approved Riverside County enacting WIC 5270.15 (30 day hold) as an involuntary detention treatment option on September 17, 2024.

Legislative Intent of WIC 5270.15

Per WIC 5270.10, the intention of WIC 5270.15 is to reduce the number of gravely disabled persons for whom conservatorship petitions are filed and who are placed under the extensive powers and authority of a temporary conservator simply to obtain an additional period of treatment without the belief that a conservator is actually needed and without the intention of proceeding to trial on the conservatorship petition. This change aims to substantially reduce the number of conservatorship petitions filed and temporary conservatorships granted under this part which do not result in either a trial or a conservatorship.

Purpose of WIC 5270.15

The purpose of WIC 5270.15 is to provide continued involuntary treatment, in a designated facility, for a patient who is gravely disabled following the conclusion of a 14-day certification by initiating a 5270.15 (30-day hold). Upon completion of the 5250 (14-day hold period), a patient may be certified for an additional period of not greater than thirty (30) days of intensive treatment under both of the following conditions:

1. The professional staff of the agency or facility treating the patient has found the patient remains gravely disabled as a result of a mental disorder or impaired by chronic alcoholism.
2. The person has been advised of the need for continued treatment but is unwilling or unable to accept intensive treatment on a voluntary basis (5270.15).

5270.15 (30-day) Certification Review Hearings

Any person certified for an additional 30 days pursuant to WIC 5270.15 shall be provided with a Certification Review hearing. unless the patient requested a Judicial Review (Writ of Habeas Corpus). The patient being certified shall be informed of his or her rights with respect to the hearing including the right to the assistance of another person to prepare for the hearing or to answer questions and concerns regarding his or her involuntary detention.

Reasonable attempts shall be made by the mental health facility to notify family members or any other person designated by the patient at least 36 hours prior to the certification review hearing, of the time and place of the certification hearing, unless the patient requests that this information not be provided. The patient shall be advised by the facility that is treating the patient that he or she has the right to request that this information not be provided.

Length of 5270.15 Certification

A certification will be for no more than thirty (30) days of intensive treatment and shall terminate as soon as the psychiatrist directly responsible for the patient's treatment believes, as a result of the psychiatrist's personal observations, that the patient no longer meets the criteria for the certification or the patient is prepared to remain in treatment on a voluntary basis.

Maximum Length of Detention

Per 5270.55, once any involuntary detention has been initiated, a patient may not be detained more than a maximum of 47 days pursuant to WIC 5150 (3 days), WIC 5250 (14 days) and WIC 5270.15 (30 days) regardless of the number of days the patient may have been on voluntary status between the initiation of the holds (WIC 5258).

Termination of 5270.15 Hold

Termination of the 5270.15 (30-day hold) hold may only be determined by the attending psychiatrist or the psychiatric medical director of the facility. As soon as the psychiatrist, who is directly responsible for the care of the patient, believes based on personal observation that the patient no longer meets the criteria for the certification, or the patient is agreeable to accept voluntary treatment, the attending psychiatrist must release the patient from the 5270.15 hold.

PROCEDURE

Documentation (DHCS 1808 form rev 05/2024)

The psychiatrist shall enter his or her findings in the patient's medical record, using **DHCS 1808 Form rev 5/2024** (see enclosed as attachment), which will include the findings and supporting evidence to justify the continuation of the 5270.15 hold. The need for continuation of the certification will be documented by the treating psychiatrist in the patient's record at least every ten (10) days to establish that the patient continued to meet the criteria for certification as stated in WIC 5270.15. The Notice of Certification form requires (2) signatures. One from a physician and the 2nd signature is either a MD or designee (e.g. nurse, social worker). Staff who sign do not need to be LPS authorized but at minimum should be trained on criteria for danger to self, danger to others and/or gravely disabled. Copies of this notice of certification as set forth in Section 5270.25, shall be filed with Superior Court and personally delivered to the person certified. A copy shall also be sent to the person's attorney, to the district attorney, to the public defender, if any, and to the facility providing intensive treatment.

Additional Riese (Capacity) Hearing

In order to administer antipsychotic medication involuntarily to a patient who is subject to WIC 5270.15, a Riese (Capacity) hearing must be held to determine whether the patient has the capacity to consent to medication and/or refuse medication. A patient may only be medicated involuntarily (absent a temporary emergent condition, in which the emergency has been clearly documented) once the outcome of the Riese hearing has determined the patient lacks the capacity to accept or refuse medications.

A patient subject to 5270.15 must receive a new Riese hearing, if the intent is to continue to medicate the patient involuntarily, regardless if the patient had a prior Riese hearing during the current hospitalization such as during the 5150 hold (72-hours) or 5250 hold (14-days) process.

Additional Writ of Habeas Corpus Hearing

A patient subject to 5270.15 is statutorily allowed to file a Writ of Habeas Corpus (Writ). Pursuant to Welfare and Institutions Code section 5275. This right is granted whether or not a prior Writ was filed, and whether or not a hearing was conducted, during the patient's current 5150 and/or 5250 hold during this same hospitalization.

Patient on a 5250 (14-day) hold - Legal Status Change to Temporary Conservatorship:

If it is determined that an involuntary patient who is on a 5250 hold (14-day hold) is likely to qualify for the appointment of a conservator, the conservatorship referral shall be made to the Public Guardian's Office by close of business on the 9th (ninth) day of the 14-day hold to allow time to meet legal notice requirements.

Patient on a 5270.15 (30-day) - Legal Status Change to Temporary Conservatorship:

If it is determined that an involuntary patient who is on a 5270.15 hold (30-day) is likely to qualify for the appointment of a conservator, the conservatorship referral shall be made the Public Guardian's Office by close of business on the 5th (fifth) day of the 30-day hold to allow time to meet legal notice requirements.

5270.15 (30-day) Timeline Runs Concurrent to Temporary Conservatorship Timeline

Per 5270.55, if a 5270.15 is converted to a temporary conservatorship the timelines run concurrently with the timeline for temporary conservatorship (30-day period) and not consecutively to the 5270.15 (30-day) certification period. Any person held involuntarily using any combination of 5270.15 and temporary conservatorship shall not be held for more than a total of 30 days.

Frequently Asked Questions (FAQ):

Question: “Can you provide guidance on completing the DHCS 1808 Notice of Certification form?”

Answer: The Notice of Certification form (DHCS 1808) enclosed must be completed by the facility whenever a patient will be detained beyond the 72 hold hour. For 5270.15, the facility should check the “30 day hold” box, enter County of Riverside, patient’s information, and criteria for 5270.15 hold including specific facts. For the “following services” section write “psychiatric inpatient evaluation and treatment.” The date section should be the day of form completion (prior to 5250 or 5260 hold expiring, if applicable). For intensive treatment facility, enter your designated facility name.

Question: “The Notice of Certification form has two signatures for the facility. Who should sign these and does the person signing have to be LPS authorized to write holds?”

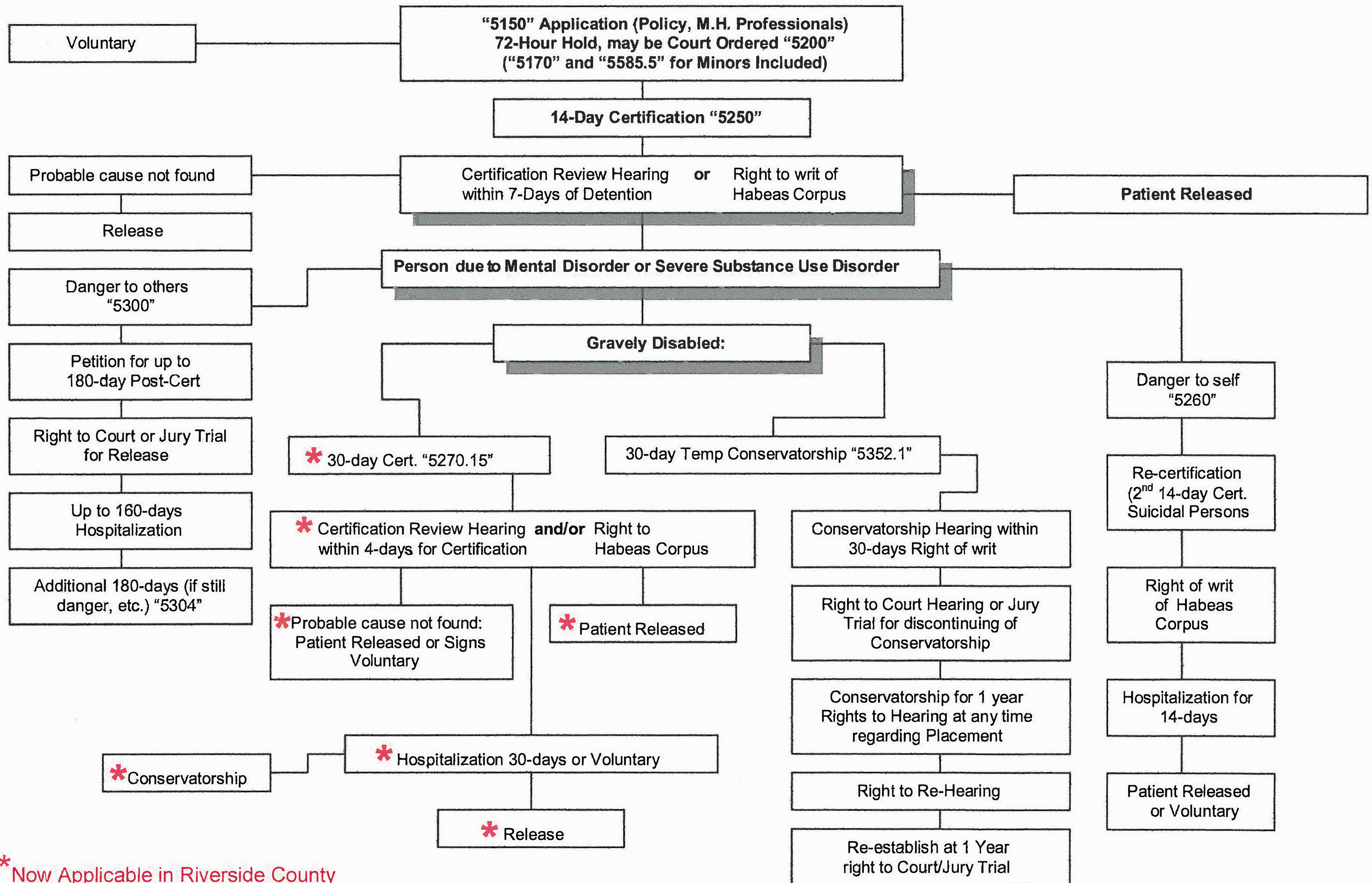
Answer: The Notice of Certification form requires (2) signatures. One from a physician and the 2nd signature is either a MD or designee (e.g. nurse, social worker). Staff who sign do not need to be LPS authorized but at minimum should be trained on criteria for danger to self, danger to others and/or gravely disabled.

Question: “What do we do if a patient receives a Notice to Certification but transfers or is released prior to certification hearing?”

Answer: Once a Notice of Certification form is completed, a facility can continue to make attempts to transfer the patient to a LPS designated facility. If the patient is transferred or released prior to certification hearing, the facility shall notify county Patient’s Rights who will inform all parties. The receiving facility will be responsible for attending the certification hearing. If the receiving facility is outside of Riverside County, the receiving county will utilize their respective policies and procedures.

If you have any questions or concerns regarding this memo, feel free to reach out to Dr. Andrew Williams via email at andrwilliams@ruhealth.org or by phone at (951) 358-4734.

LANTERMAN-PETRIS-SHORT ACT CIVIL COMMITMENT FLOW CHART
Welfare & Institution Code, Section 5000 et seq.



* Now Applicable in Riverside County