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DEPARTMENT OF
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LOS ANGELES COUNTY DEPARTMENT OF MENTAL HEALTH
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TO: Designated Hospitals

FROM: Roderick Shaner, M.D., Medical Director 

SUBJECT: **PROVIDING INFORMATION AND NOTIFICATION TO THE FAMILIES AND SIGNIFICANT OTHERS OF PATIENTS INVOLUNTARILY DETAINED IN LANTERMAN-PETRIS-SHORT (LPS) DESIGNATED FACILITIES**

The Department has received concerns and requests for clarification from those who have not been provided with information or notification when their family member has been detained. This memorandum outlines LPS designated facilities obligations to notify and respond to requests for information from family members by setting forth the relevant sections of the California Welfare and Institutions Code, and how the Department interprets each code section, for purposes of determining compliance with the [LPS Designation Guidelines And Process For Facilities Within Los Angeles County, Seventh Edition \(Revised February 2016\)](#). ([LPS Designation Guidelines](#))

- I. The LPS Designation Guidelines most relevant to determining compliance with a facilities family notification obligations are:
 - A. **LPS Designation Guideline I.F.8:** The facility must ensure full compliance with WIC 5328.1 which pertains to provision of information to family members, and must have internal policies and clinical documentation that reflect these practices.
 - B. **LPS Designation Guideline I.B.1.bb:** The facility abides by the procedures established by the Superior Court and the Los Angeles County Department of Mental Health for all mental health-related court hearings that are facility-based [including but not limited to certification review ("probable cause") hearings, medication capacity ("Riese") hearings, Roger S. hearings and clinical reviews], and that are court-based [including writs of habeas corpus, medication capacity appeals, and all conservatorship proceedings].
 - C. **LPS Designation Guideline 1.F.14:** The facility ensures that, upon discharge, patients receive practical, realistic and appropriate referrals to community agencies, suitable placement, and necessary transportation and transfer of care, as evidenced by documentation in the Discharge and Aftercare Plans and other easily identifiable records, regarding these elements and associated interagency communication to facilitate appropriate transition of care.

II. The relevant Welfare and Institutions Code Sections are:

- A. **CA WIC 5328.1.** (a) Upon request of a member of the family of a patient, or other person designated by the patient, a public or private treatment facility shall give the family member or the designee notification of the patient's diagnosis, the prognosis, the medications prescribed, the side effects of medications prescribed, if any, and the progress of the patient, if, after notification of the patient that this information is requested, the patient authorizes its disclosure. If a request for information is made by the spouse, parent, child, or sibling of the patient and the patient is unable to authorize the release of such information, the requester shall be given notification of the patient's presence in the facility, except to the extent prohibited by federal law.

Written patient authorization is not required. Verbal authorization is acceptable. All authorizations must be documented in the medical record. LPS designated facilities must notify specified requesting family members of a patient's presence in the hospital, when authorization is not available such as in instances when a patient is too disorganized to meaningfully consider authorizing release. The LPS Designated Facility shall be able to receive information from the family or significant other regarding the patient history, course of illness, or current situation.

- B. **CA WIC 5328.1.** (b) Upon the admission of any mental health patient to a 24-hour public or private health facility licensed pursuant to Section 1250 of the Health and Safety Code, the facility shall make reasonable attempts to notify the patient's next of kin or any other person designated by the patient, of the patient's admission, unless the patient requests that this information not be provided.

LPS designated inpatient facilities have an affirmative obligation to attempt to notify next of kin regarding a patient's admission, unless the patient requests that this information not be provided. These attempts must be documented in the medical record.

- C. **CA WIC 5256.4** (c) Reasonable attempts shall be made by the mental health facility to notify family members or any other person designated by the patient, 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.

LPS designated facilities have an affirmative obligation to attempt to notify family members of the date and time of on-site certification hearings unless the patient requests that this information not be provided. These attempts must be documented in the medical record.

- D. **CA WIC 5276** Reasonable attempts shall be made by the mental health facility to notify family members or any other person designated by the patient, of the time and place of the judicial review, 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.

LPS Designated Facilities have an affirmative obligation to attempt to notify family members of the date and time of judicial reviews at Superior Court 95 or other sites unless the patient requests that this information not be provided. These attempts must be documented in the medical record.

E. CA WIC 5250 (d)

(1) Notwithstanding paragraph (1) of subdivision (h) of Section 5008, a person is not "gravely disabled" if that person can survive safely without involuntary detention with the help of responsible family, friends, or others who are both willing and able to help provide for the person's basic personal needs for food, clothing, or shelter.

(2) However, unless they specifically indicate in writing their willingness and ability to help, family, friends, or others shall not be considered willing or able to provide this help.

An LPS designated facility that discharges a patient involuntarily detained on the basis that grave disability is no longer present because family, friends, or others are willing and able to help provide for the patient's basic personal needs for food, clothing and shelter, must first obtain a written statement from such persons indicating they are willing and able to help provide for the patient's basic personal needs for food, clothing, and shelter. In the absence of a written statement, these persons shall not be considered willing and able to provide such help. A determination that family, friends, or others are willing and able to help provide for the person's basic personal needs for food, clothing, or shelter must be documented in the medical record by inclusion of a copy of the written statement from the family.

Should you wish to contact us concerning the above interpretations, please email LACDMH LPS Designation Coordinator, [Marion Czubiak](#), R.N., M.S.N., or contact her by phone at 213-639-6315.

RS:MC:oc

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