

FAQs regarding changes in LAC DMH procedures related to WIC 5150 detention

September 28, 2015

Part 1: LPS designated facilities

Question 1: How does DMH determine the 72 hour involuntary admission start time for persons taken into detention under WIC 5150?

Answer 1: DMH considers the 72 hour involuntary evaluation and treatment admission associated with WIC 5150 detention to start when the individual is involuntarily detained in an LPS designated facility, as indicated by the time noted on the admission to that facility.

Question 2: When new clinical or procedural issues arise in the care of individuals detained under WIC 5150, will DMH provide guidance and resources to help with resolution of the issues?

Answer 2: Yes. DMH is committed to actively helping to resolve clinical and procedural issues that may arise in connection with individuals detained under WIC 5150.

Question 3: When a non-LPS designated facility wishes to transfer to an LPS designated facility an individual who has been detained on a WIC 5150 application for more than 72 hours, will DMH expect the LPS designated facility to consider the WIC 5150 application to be valid for purposes of transfer acceptance?

Answer 3: Yes, presuming that less than 72 hours of assessment, evaluation, and crisis intervention have taken place during that time, and that all other aspects of the detention noted comply with DMH LPS designation guidelines and other criteria for transfer acceptance are present. DMH expects LPS designated facilities to manage transfers of individuals properly detained under WIC 5150 in the manner specified in DMH LPS designation guidelines. The Department also recognizes that additional clinical and administrative factors are considered by institutions involved in transferring involuntarily detained individuals, beyond the presence of a valid detention under WIC 5150.

Question 4: To be compliant with LAC DMH LPS designation guidelines on WIC 5150, how long may an individual admitted to a DMH LPS designated facility be involuntarily detained under WIC 5151, and does the duration in any way depend on when the WIC 5150 detention was initiated?

Answer 4: Assuming that the individual was not previously detained under Health and Safety Code (HSC) Section 1799.111 the admitted individual may be involuntarily detained for up to 72 hours after the time that a determination was made to continue detention at the LPS designated facility, following the mandated WIC 5151 assessment. Except as provided in HSC 1799.111, the inpatient detention time is otherwise not affected by the time the individual originally was detained under WIC 5150 detention prior to completion of the WIC 5151 evaluation.

If the admitted individual was previously detained under HSC 1799.111, the maximum inpatient detention time under WIC 5151 is shortened by the time the individual was detained under HSC 1799.111. In such cases, the individual may be detained involuntarily for up to 72 hours after the time the mandated WIC 5151 assessment was completed and a

determination was made to continue detention at the LPS designated facility, minus a maximum of 24 hours for the time that the individual had been detained under HSC 1799.111.

Part 2: Non-LPS designated facilities

Question 5: How long does DMH consider WIC 5150 application to remain valid for purposes of admission to an LPS designated facility?

Answer 5: DMH considers WIC 5150 application to be valid for purposes of admission to an LPS designated facility, unless or until a period of more than 72 hours of custody for mental health assessment, evaluation, and crisis intervention has occurred.

Question 6: Does DMH consider it acceptable for staff of a non-LPS designated facility to release from WIC 5150 detention an individual who was placed in detention by an LPS authorized entity that has subsequently left the facility?

Answer 6: DMH has no authority under WIC 5150 to proscribe such actions. The non-LPS designated facility may wish to consult with its legal counsel regarding its legal obligations and statutory authority.

Question 7: To be compliant with DMH LPS designation guidelines, may staff of an LPS designated facility re-evaluate an individual in a non-LPS designated facility and determine that WIC 5150 detention criteria are no longer present?

Answer 7: Yes. However, in certain instances, DMH LPS designation guidelines require that the LPS designated facility first conduct a WIC 5151 assessment to determine whether or not the involuntary detention is appropriate and inpatient admission is required.

Question 8: May a non-LPS designated facility detain an individual under WIC 5150 in instances in which the detaining authority has left the facility?

Answer 8: DMH has no authority to require such detention. During instances in which non-LPS designated facilities may wish to continue detention, it may wish to consult with its legal counsel regarding the legal obligations and statutory authority for continuing such detention.

Question 9: When a non-designated facility admits to an inpatient status an individual who was involuntarily detained under WIC 5150 and left there by the detaining authority, does DMH consider the WIC 5150 detention to be valid for transfer to an LPS designated facility?

Answer 9: No. DMH does not consider detention under WIC 5150 with subsequent admission to a non-designated inpatient status to be valid. DMH LPS designation guidelines require a valid 5150 detention for involuntary transfer of an individual from a non-designated facility to an LPS designated facility.

Question 10: May DMH staff (PMRT, other) require the staff of a non-designated facility to continue involuntarily detention of an individual detained under WIC 5150, after the staff who originally initiated the WIC 5150 detention has left the facility?

Answer 10: No. DMH has no authority to require the staff of a non-designated facility to continue involuntarily detention of an individual that the DMH staff (or any other entity) has detained under WIC 5150, after the staff who originally initiated the WIC 5150 detention has left the facility. The non-LPS designated facility may wish to consult with its legal counsel regarding its legal obligation and statutory authority for continuing such detention

Question 11: If an individual currently detained pursuant to WIC 5150 is subsequently re-evaluated by an LPS authorized individual prior to WIC 5151 evaluation to determine the need for inpatient treatment, does DMH consider a second WIC 5150 application valid and, if so, does it supersede the original 5150 application?

Answer 11: DMH considers the second WIC 5150 application to be valid and superseding the original WIC 5150 application only in cases in which the individual in custody has not been provided with assessment, evaluation, or crisis intervention pursuant to WIC 5150. In such cases, the most recent assessment is likely to represent the more accurate reflection of the presence of probable cause for further detention.

Question 12: If 72 hours of evaluation, assessment, and crisis intervention for an individual who was detained under WIC 5150 outside of admission to an LPS designated facility lapses, and the detainee still meets criteria for 5150 detention, under what circumstances does DMH consider a subsequent WIC 5150 application to be valid?

Answer 12: DMH considers the validity of any current WIC 5150 application to be independent of any previous episode of non-inpatient detention for purposes of determining compliance with DMH LPS designation and authorization guidelines. Individuals and facilities should consult with their legal counsel regarding the requirements of and compliance with WIC 5150.

Question 13: Are the LAC DMH procedures described in these FAQs the same for WIC 5585?

Answer 13: Yes, as applicable.