BHS Policies and Procedures

City and County of San Francisco
Department of Public Health
San Francisco Health Network
BEHAVIORAL HEALTH SERVICES

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POLICY/PROCEDURE REGARDING: Authority for Involuntary Detention for 72-Hour Evaluation and Treatment

Issued By: Jo Robinson, MFT
Director of Behavioral Health Services
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Manual Number: 3.07-02

References: California Welfare and Institutions Code, Sections 5000-5121, 5150-5155, 5585-5585.25, 5585.50-5585.89; California Code of Regulations, Title 9, Sections 663, 821; and Health and Safety Code, Section 1250.

Technical Revision. Replaces Manual Number 3.07-02 of November 9, 2010

PURPOSE: The intention of this policy is to provide guidelines for establishing authority for involuntary detention for 72 hour evaluation and treatment and to ensure compliance with state law, regulations, and county procedures (Welfare and Institutions Code, Section 5121).

SCOPE: This policy is issued by Behavioral Health Services (BHS) and applies to all designated facilities and individuals in the City and County of San Francisco who have or seek authorization to initiate and sign applications for 72 hour evaluation and treatment pursuant to Section 5150, et seq. or Section 5585, et seq. of the Welfare and Institutions Code. Note that for all minors requiring an evaluation for involuntary detention, BHS Child Crisis Services must be contacted. See BHS policy 3.03-1 for specific requirements about the evaluation and inpatient admission of minors.

POLICY:

I. DEFINITIONS

A. DESIGNATED FACILITY is a facility that is licensed or certified as a mental health treatment facility or hospital to evaluate and treat involuntary psychiatric patients (Health and Safety Code, Section 1250 and CCR, Title 9, Sections 663, 821), has a written agreement with BHS to detain individuals in order to provide psychiatric evaluation and treatment for up to 72 hours as described in Welfare and Institutions Code commencing with Section 5000, is designated by ordinance of the San Francisco Board of Supervisors as such a facility (Welfare and Institutions Code, Section 5008(n), and is approved by the Mental Health Licensing section within the California Department of Health Care Services.
B. **FACILITY AUTHORIZATION CERTIFICATE** is a document issued by BHS to facilities or programs in which qualified staff is certified by BHS to initiate and sign an Application for Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment (Form DHCS 1801-04/2014). The certificate is accompanied by a list of those staff within the program or facility designated by the City & County of San Francisco to perform functions commencing with Section 5000 of the Welfare and Institutions Code. Programs are encouraged to have several staff with authorization privileges.

C. **AUTHORIZATION CARD** is a small, wallet-sized card issued by BHS, which identifies the holder, or individual staff member of an authorized facility, as having the authority to initiate and sign an Application for Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment pursuant to Section 5150, et seq. or Section 5585, et seq. of the Welfare and Institutions Code. Staff members who have been issued an authorization card are also reflected on the list of certified staff accompanying the Facility Authorization Certificate. Individual authorization cards are issued to individual staff members of authorized facilities when the preponderance of their work occur offsite of the authorized facility (e.g., outreach, intensive case management). The individual card serves the same objective as the Facility Authorization Certificate described in B above.

D. **DESIGNATED STAFF** refers to an eligible individual who has completed the required certification training and has successfully passed the examination. Staff certified as designated by the City and County of San Francisco have the authority to initiate and sign an Application for Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment for an individual who is a danger to self or others, or is gravely disabled, as a result of a mental health disorder and is unable or unwilling to accept treatment voluntarily.

II. **ELIGIBILITY**

The following persons are authorized to initiate and sign an Application for Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment:

- Individual Peace Officers as defined by Sections 830-832.17 of the California Penal Code.

The following persons who have had direct or delegated training on involuntary psychiatric detention within the last 5 years and have successfully passed the examination are designated by the City & County of San Francisco as authorized to initiate and sign an Application for Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment:

- Licensed mental health professionals who work in a designated facility.
- Licensed physicians who work in a hospital medical emergency department.
- Licensed mental health professionals who work in authorized mental health facilities.
- Licensed mental health professionals who work in authorized non-mental health facilities (e.g., primary care, substance abuse).

The following persons who have had direct or delegated training on involuntary psychiatric detention within the last 3 years and have successfully passed the examination are designated by
the City & County of San Francisco as authorized to initiate and sign an Application for Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment:

- License waivered or non-licensed professionals who work in authorized mental health facilities.

III. TRAINING AND CERTIFICATION PROCESS

The Program Director or designated lead contact person of the authorized facility shall ensure that only staff eligible for initial certification or re-certification as required in the performance of their job duties will attend the required training. Please note that student interns are not eligible for certification. In order to be certified for authorization, staff must attend the required training and successfully pass the examination. Continued certification requires re-training and testing on a regular basis (i.e., 3 or 5 year increments) as described above in section II.

Training related to authorization must be provided by or delegated by BHS. Some programs have been delegated to provide their own training to their staff. Delegated trainings must be approved by the Certification Coordinator for BHS. Delegated trainers must be currently certified. The delegated trainer is to use training materials and components including the post test approved by the Certification Coordinator, and must report those staff to be added to or removed from the facility list to the Program Director or designated lead contact person.

Programs that are authorized and have certified staff to initiate and sign the Application for Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment are issued a Facility Authorization Certificate. Once staff are trained and obtain a passing score of at least 80% on the post test, they are added to the facility list. The certification period starts on the day of successful passing of the examination. It is the responsibility of the facility’s Program Director or designated lead contact person to help monitor the facility list. The Program Director or designee is to submit needed revisions to the Certification Coordinator for BHS as needed. The official updated facility list is then sent to the Program Director or designee. The facility list is maintained and issued by BHS.

For those staff eligible for an individual card, the card shall be issued by BHS upon completion of training and passing the examination. Individual cards generally are not issued except to those staff whose work is primarily outside of the authorized facility. The card is mailed to the Program Director or designated lead contact person for distribution. The card is to be surrendered to the facility’s Program Director or designee upon the staff’s termination from employment at the authorized facility.

Staff authorization to initiate an involuntary psychiatric hold applies only to the facility to which they are issued and only during the authorized staff member’s working hours. If one is employed by multiple authorized sites, the individual can request to be listed as being certified at all sites and does not need additional training. When a staff member leaves and moves to another program that has a facility certificate, that employee may request to transfer their certification to the new program without re-training as long as it is within the current certification period (see section II.
above). All such requests are to be made through the Program Director or designated lead contact person.

All cards and certifications apply only to the City and County of San Francisco. The list of certified individuals or the individual card shall be made available to the San Francisco Police Department upon request. Revocation of certification status is at the discretion of the Director of Behavioral Health Services or designee.

IV. TRANSPORTATION

Individuals authorized to complete applications will arrange for transportation. Comprehensive Crisis Services, including Mobile Crisis Treatment Team and Child Crisis Services, can be called to do crisis evaluations, but do not provide transportation services for involuntary holds initiated by other certified staff. The San Francisco Police Department is to be called only when a situation might or has resulted in serious bodily harm, or is life-threatening, or a weapon is being used.

V. DISCONTINUATION OF THE 72 HOUR INVOLUNTARY HOLD

Any staff member certified to institute an involuntary psychiatric hold pursuant to Welfare and Institutions Code, Sections 5150 or 5585.50, is also eligible to discontinue the hold. It is required that discontinuation of the hold occurs following a face-to-face evaluation of the client’s condition and it is determined that the person no longer meets criteria for danger to self or others, or grave disability as the result of a mental health disorder, and can be appropriately served on a voluntary basis. Upon admission to a designated facility, the facility may discontinue the hold with the authority to release in compliance with Welfare & Institutions Code, Sections 5151 and 5152(a).

Contact Person: Certification Coordinator for BHS, Office of Quality Management, 415-255-3400.

Attachments: Application for Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment (form DHCS-04/2014)

Distribution: BHS Policies and Procedures are distributed by the Health Information Management Department under the DPH Compliance Office.

Administrative Manual Holders
BHS Programs
SOC Managers
BHS Designated Facilities
San Francisco Hospital Council
APPLICATION FOR ASSESSMENT, EVALUATION, AND CRISIS INTERVENTION OR PLACEMENT FOR EVALUATION AND TREATMENT

Confidential Client/Patient Information

See California W&I Code Section 5328 and HIPAA Privacy Rule 45 C.F.R. § 164.508

Welfare and Institutions Code (W&I Code), Section 5150(f) and (g), require that each person, when first detained for psychiatric evaluation, be given certain specific information orally and a record be kept of the advisement by the evaluating facility.

☐ Advisement Complete ☐ Advisement Incomplete

Good Cause for Incomplete Advisement

Advisement Completed By

Position

Language or Modality Used

Date of Advisement

To (name of 5150 designated facility)

Application is hereby made for the assessment and evaluation of ______________________________________

Residing at __________________________, California, for up to 72-hour assessment, evaluation and crisis intervention or placement for evaluation and treatment at a designated facility pursuant to Section 5150, et seq. (adult) or Section 5585 et seq. (minor), of the W&I Code. If a minor, authorization for voluntary treatment is not available and to the best of my knowledge, the legally responsible party appears to be / is: (Circle one) Parent; Legal Guardian; Juvenile Court under W&I Code 300; Juvenile Court under W&I Code 601/602; Conservator. If known, provide names, address and telephone number:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

The above person’s condition was called to my attention under the following circumstances:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

I have probable cause to believe that the person is, as a result of a mental health disorder, a danger to others, or to himself/ herself, or gravely disabled because: (state specific facts)

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Based upon the above information, there is probable cause to believe that said person is, as a result of mental health disorder:


Signature, title and badge number of peace officer, professional person in charge of the facility designated by the county for evaluation and treatment, member of the attending staff, designated members of a mobile crisis team, or professional person designated by the county.

Date

Time

Name of Law Enforcement Agency or Evaluation Facility/Person

Address of Law Enforcement Agency or Evaluation Facility/Person

NOTIFICATIONS TO BE PROVIDED TO LAW ENFORCEMENT AGENCY

Notify (officer unit & telephone #)

NOTIFICATION OF PERSON’S RELEASE IS REQUESTED BY THE REFERRING PEACE OFFICER BECAUSE:

☐ The person has been referred to the facility under circumstances which, based upon an allegation of facts regarding actions witnessed by the officer or another person, would support the filing of a criminal complaint.

☐ Weapon was confiscated pursuant to Section 8102 W&I Code. Upon release, facility is required to provide notice to the person regarding the procedure to obtain return of any confiscated firearm pursuant to Section 8102 W&I Code.

SEE REVERSE SIDE REFERENCES AND DEFINITIONS

DHCS 1801 (04/2014)
REFERENCES AND DEFINITIONS

"Gravely Disabled" means a condition in which a person, as a result of a mental disorder, is unable to provide for his or her basic personal needs for food, clothing and shelter. SECTION 5008(h) W&I Code

"Gravely Disabled Minor" means a minor who, as a result of a mental disorder, is unable to use the elements of life which are essential to health, safety, and development, including food, clothing, and shelter, even though provided to the minor by others. Intellectual disability, epilepsy, or other developmental disabilities, alcoholism, other drug abuse, or repeated antisocial behavior do not, by themselves, constitute a mental disorder. SECTION 5585.25 W&I Code

"Peace officer" means a duly sworn peace officer as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who has completed the basic training course established by the Commission on Peace Officer Standards and Training, or any parole officer or probation officer specified in Section 830.5 of the Penal Code when acting in relation to cases for which he or she has a legally mandated responsibility. SECTION 5008(i) W&I Code

Section 5152.1 W&I Code

The professional person in charge of the facility providing 72-hour evaluation and treatment, or his or her designee, shall notify the county mental health director or the director's designee and the peace officer who makes the written application pursuant to Section 5150 or a person who is designated by the law enforcement agency that employs the peace officer, when the person has been released after 72-hour detention, when the person is not detained, or when the person is released before the full period of allowable 72-hour detention if all of the conditions apply:

(a) The peace officer requests such notification at the time he or she makes the application and the peace officer certifies at that time in writing that the person has been referred to the facility under circumstances which, based upon an allegation of facts regarding actions witnessed by the officer or another person, would support the filing of a criminal complaint.

(b) The notice is limited to the person's name, address, date of admission for 72-hour evaluation and treatment, and date of release.

If a police officer, law enforcement agency, or designee of the law enforcement agency, possesses any record of information obtained pursuant to the notification requirements of this section, the officer, agency, or designee shall destroy that record two years after receipt of notification.

Section 5152.2 W&I Code

Each law enforcement agency within a county shall arrange with the county mental health director a method for giving prompt notification to peace officer pursuant to Section 5152.1 W&I Code.

Section 5585.50 W&I Code

The facility shall make every effort to notify the minor's parent or legal guardian as soon as possible after the minor is detained. Section 5585.50 W&I Code.

A minor under the jurisdiction of the Juvenile Court under Section 300 W&I Code is due to abuse, neglect, or exploitation.

A minor under the jurisdiction of the Juvenile Court under Section 601 W&I Code is due to being adjudged a ward of the court as a result of being out of parental control.

A minor under the jurisdiction of the Juvenile Court under Section 602 W&I Code is due to being adjudged a ward of the court because of crimes committed.

Section 8102 W&I Code (EXCERPTS FROM)

(a) Whenever a person who has been detained or apprehended for examination of his or her mental condition or who is a person described in Section 8100 or 8103, is found to own, have in his or her possession or under his or her control, any firearm whatsoever, or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon.

"Deadly weapon," as used in this section, has the meaning prescribed by Section 8100.

(b)(1) Upon confiscation of any firearm or other deadly weapon from a person who has been detained or apprehended for examination of his or her mental condition, the peace officer or law enforcement agency shall issue a receipt describing the deadly weapon or any firearm and listing any serial number or other identification on the firearm and shall notify the person of the procedure for the return, sale, transfer, or destruction of any firearm or other deadly weapon which has been confiscated. A peace officer or law enforcement agency that provides the receipt and notification described in Section 33800 of the Penal Code satisfies the receipt and notification requirements.

(2) If the person is released, the professional person in charge of the facility, or his or her designee, shall notify the person of the procedure for the return of any firearm or other deadly weapon which may have been confiscated.

(3) Health facility personnel shall notify the confiscating law enforcement agency upon release of the detained person, and shall make a notation to the effect that the facility provided the required notice to the person regarding the procedure to obtain return of any confiscated firearm.

DHCS 1801 (04/2014)