



Health Care Agency Behavioral Health Services Policies and Procedures	Section Name:	Administration
	Sub Section:	Certifications & Designations
	Section Number:	04.03.04
	Policy Status:	<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised
SIGNATURE		DATE APPROVED
Director of Operations Behavioral Health Services	<u>Signature on File</u>	<u>8/30/17</u>

SUBJECT: Designation of Facility Lanterman-Petris-Short Act (LPS) Trainers

PURPOSE:

To ensure Facilities maintain compliance with Lanterman-Petris-Short Act (LPS) statutes, regulations, and Health Care Agency policy, including patients’ rights by having at least one identified mental health provider who is responsible for providing LPS training and supervision to facility staff.

POLICY:

Facilities, health systems and Health Maintenance Organizations (HMO) choosing to designate individuals must have at least one LPS Trainer approved by the Orange County Health Care Agency (HCA) Behavioral Health Services (BHS) Deputy Agency Director (hereafter referred to as the BHS Director or designee). LPS Trainers must maintain designated status from the County of Orange by passing the HCA’s LPS Trainer examination every twelve months. The designated LPS Trainer must be available for consultation to the facility’s or health system’s Designated Individuals. The HMO LPS Trainer must be available for consultation to any Designated Individuals of the HMO.

SCOPE:

The provisions of this policy are applicable to Designated Facilities and to HMOs in Orange County that wish to obtain designation privileges for qualifying providers in their facilities.

REFERENCES:

Welfare and Institutions Code, Division 5. Community Mental Health Services [5000-5912]. Part 1. The Lanterman-Petris-Short Act (LPS) [5000-5550], Chapter 1. General Provisions [5001-5121] and Chapter 2. Involuntary Treatment [5150-5349.5]

Welfare and Institutions Code, Division 5. Community Mental Health Services Part 1.5 Children’s Civil Commitment and Mental Health Treatment Act of 1988. Chapter 1: General Provisions [5585-5585.25] and Chapter 2: Civil Commitment of Minors [5585-5585.59]

DEFINITIONS:

5150/5585- Sections of the California Welfare & Institutions Code that authorizes a peace officer, a member of the attending staff, or professional person designated by the county to take an adult/minor into custody for a period of up to 72 hours for assessment, evaluation and crisis intervention, or placement for evaluation and treatment in a Designated Facility if he or she is a danger to self, danger to others, or gravely disabled due to mental health disorder.

Designated Facility - a facility that has been designated by the County Board of Supervisors and approved by the State to provide involuntary psychiatric evaluation and treatment to persons who are a danger to self, danger to others, or gravely disabled due to a mental health disorder.

Designated Individual - a mental health provider who has been granted 5150/5585 individual designation privileges by the BHS Director or designee.

Facility – Either Designated Facility or Non-Designated Facility

Health Maintenance Organization (HMO) - an organization that provides health care to people who make regular payments to it and who agree to use the doctors, hospitals, etc., that belong to the organization.

Minor - anyone under the age of 18 who is not married, or a member of the armed forces, or declared emancipated by a court of law.

Non-Designated Facility - a facility that has not been designated by the County Board of Supervisors and approved by the State to provide involuntary psychiatric evaluation and treatment to persons who are a danger to self, danger to others, or gravely disabled due to a mental health disorder.

LPS - Lanterman-Petris-Short Act provides the statutory framework for the commitment of individuals with mental health disorders and provides protection for the legal rights of such individuals.

LPS Trainer - a mental health provider who is a Designated Individual (licensed psychiatrist, psychologist, registered nurse or clinical social worker) who has been approved by the BHS Director or designee to train their facility staff in LPS statutes, regulations, and HCA policy, including patients' rights.

Qualified Psychiatric Nurse Practitioner - is a registered nurse who is certified and registered by the Board of Registered Nursing with a specialty in psychiatry/mental health.

PROCEDURES:

- I. LPS Trainer Requirements

- A. Be a mental health provider who is a Designated Individual (licensed psychiatrist, psychologist, registered nurse or clinical social worker).
- B. Demonstrate knowledge of LPS statutes, regulations, and HCA policies, including patients' rights, by passing HCA's LPS Trainer written examination given by the BHS Director or designee by earning a score of 80% or higher.
- C. Demonstrate competence in writing 5150/5585 and 5250 involuntary holds by providing writing samples that are reviewed by the BHS Director or designee.
- D. Meet the facility's qualifying criteria for LPS Trainers as spelled out in the facility's policy and procedures.

II. Submitting a Request for LPS Trainer Designation

- A. The psychiatric medical director of a Designated Facility or HMO or psychiatric medical director or medical director of a non-designated facility may initiate the request for LPS Trainer designation for a qualifying individual by submitting in writing to BHS an LPS Trainer designation request that consists of the following items:
 - 1. Name of the applicant.
 - 2. Copy of applicant's professional license.
 - 3. Copy of the facility's policy and procedure that specifies the qualifying criteria for LPS Trainers for their facility.
 - 4. Written statement from the psychiatric medical director or medical director that substantiates the applicant meets the facility's qualifying criteria for LPS Trainers.
- B. BHS Director or designee will review the LPS Trainer designation request and will contact the applicant to schedule a testing date.
- C. Applicant will take the LPS Trainer examination at the HCA administration building.
- D. If the applicant meets the LPS Trainer requirements of Section I of the policy, BHS will send written confirmation of the applicant's LPS Trainer status to the facility. When the LPS Trainer status is approved, the individual is simultaneously granted Designated Individual status.
- E. LPS Trainer designation expires one year from the date the LPS Trainer examination was passed. The Designated Individual status expires two years from the date the LPS Trainer examination was passed.

- F. If the applicant does not pass the written examination or does not demonstrate competence in writing 5150/5585 and 5250 involuntary holds they may retake any portion of the exam no sooner than one week from the date of the failed examination. If the applicant fails a second time it is up to the discretion of the BHS Director or designee whether to allow the applicant to retake the examination for a third time. If the BHS Director or designee decides not to retest the applicant, the BHS Director or designee shall discuss the reasons for the decision with the facility's administrator.

III. Procedures for Renewal of LPS Trainer

- A. To renew LPS Trainer status the person must:
 - 1. Continue to be an employee or member of the attending staff of the facility for which they received their initial LPS Trainer designation.
 - 2. Contact BHS at least 21 days prior to the expiration of the LPS Trainer status to schedule a time to take HCA's LPS Trainer written examination.
 - 3. Complete training for renewal of LPS Trainer designation which shall include information on relevant changes which have occurred since the prior designation, including but not limited to:
 - a) Amendments to state and federal laws and regulations.
 - b) Changes in regulatory compliance, HCA policy, and/or LPS procedural compliance.
 - 4. Demonstrate knowledge of LPS statutes, regulations, and HCA policies, including patients' rights by passing HCA's LPS Trainer written examination given by the BHS Director or designee by receiving a score of 80% or higher.
 - 5. Demonstrate competence in writing 5150/5585 and 5250 involuntary holds by writing samples that are reviewed by the BHS Director or designee.
 - 6. When renewal of LPS Designated Trainer status is approved, the Designated Individual status is simultaneously renewed.
- B. Training provided by an LPS Trainer whose designation status has expired will not be eligible to meet the requirements for providers seeking Designated Individual status.
- C. If an LPS Trainer ceases to function as the facility's trainer, but continues employed by the facility, the Designated Individual status continues in place until the two year renewal is due.

V. Separation from Employment

- A. The Designated Facility or HMO shall notify BHS in writing within one week of the LPS Trainer's date of separation.
- B. LPS Trainer designation status is terminated at that facility when employment is terminated or when the attending staff status is terminated.