



**RICHARD SANCHEZ**  
DIRECTOR

**MARY HALE**  
DEPUTY AGENCY DIRECTOR  
BEHAVIORAL HEALTH SERVICES

MAILING ADDRESS:  
405 W. 5<sup>th</sup> STREET, 7<sup>th</sup> FLOOR  
SANTA ANA, CA 92701

TELEPHONE: (714) 834-6023  
FAX: (714) 834-5506  
E-MAIL: [mhale@ochca.com](mailto:mhale@ochca.com)

## BEHAVIORAL HEALTH SERVICES

September 11, 2017

**To:** Orange County Hospital Providers

**Subject:** **Involuntary Holds Within Non-designated Facilities**

A number of questions have been raised in response to the communication dated November 14, 2016 with the subject Involuntary Holds Within Non-designated Facilities. The questions received are addressed below:

1. Staff at non-designated facilities have attempted to inform Centralized Assessment Team (CAT-presently known as Crisis Assessment Team) staff who initiated a hold that they cannot leave the facility as the hold would then not be valid and they could not detain the minor.

*CAT staff may leave a facility after the initiation of a hold. As expressed in the communication dated November 14, 2016 with the subject Involuntary Holds Within Non-designated Facilities, it is the opinion of County that if there is no Designated Individual on the campus, then the hold is no longer in place. However, this does not mean that the facility could not detain the minor. The facility is encouraged to discuss with counsel, when appropriate based on the facility's assessment, utilizing other options such as that allowed under Health & Safety Code 1799.111.*

2. Staff have asked how to handle situations when a minor is on a 5585 hold and the legal guardian threatens to take the minor and leave the hospital.

*This is most appropriately dealt with by the facility and their counsel.*

3. A non-designated facility indicated that it was not clear who can get designated and who can discontinue a hold.

*The communication dated November 14, 2016 with the subject Involuntary Holds Within Non-designated Facilities indicated that ER physicians in Non-designated facilities and who are not on staff at designated facilities can become Designated. Effective 9-2-2017 the Policy and Procedure (04.03.02 Lanterman-Petris-Short Act (LPS) Designation of Individuals) has been updated to allow the following licensed staff in Non-designated facilities to become a Designated Individual: licensed*

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*psychiatrist; psychologist; registered nurse; qualified psychiatric nurse practitioner; clinical social worker; marriage and family therapist or emergency department physician.*

*Any Designated Individual at a Non-designated facility can discontinue a hold based on the clinical status of the patient if the patient has not been admitted to an inpatient psychiatric unit of a Designated Facility.*

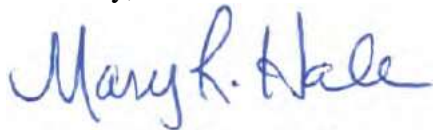
4. Facility understanding is that designated RNS LMFTs and LCSW stationed in non-designated facilities and who are not part of a PET/CAT, serve a custodial purpose (i.e. keeps the 5150 hold in place). Is this accurate?

*The Designation of these individuals serves the same purpose as the Designation of any other individual in other settings. As indicated in the November 14, 2016 communication, the "hold remains in place only so long as a Designated individual remains in the facility" and "the Designated Individual taking over responsibility for the hold initiated by another Designated Individual should be aware of the patient and support the probable cause findings for the hold".*

5. Designated facilities with an adult only inpatient unit have expressed confusion about taking a minor on a 5585 into their emergency room.

*Facility designations are not age specific. Facilities may choose to consult with their counsel as they may have obligations under other regulations such as EMTALA to assess any person, regardless of age, who presents to their emergency department.*

Sincerely,



Mary R. Hale, MS, CHC  
Deputy Agency Director, Behavioral Health Services

DH/MH:mh

cc: Richard Sanchez, Director, Health Care Agency  
Whitney Ayers, Orange County Regional Vice President, HASC