

SAN MATEO COUNTY HEALTH SYSTEM
BEHAVIORAL HEALTH AND RECOVERY SERVICES

DATE: May 13, 1997

BHRS Policy: 97-05

SUBJECT: 72-Hour Holds – Authorization to Write

AUTHORITY: Welfare and Institutions Code Section 5150 et seq.,
Welfare and Institutions Code Section 5585 et seq.,
California Code of Regulations, Title 9, Section 620 et seq.
Divisional

AMENDED: April 9, 2008, September 19, 2018

ATTACHMENT: Sample Identification Card

Defining Authority:

California Welfare and Institutions Code 5150:

When any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, designated members of a mobile crisis team ..., or other professional person designated by the county may, upon probable cause, take or cause to be taken, the person into custody and place him or her into a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

DEFINITION

Professional Personnel are defined as psychiatrists; psychologists; licensed social workers; licensed marriage and family therapists; registered nurses; licensed vocational nurses; psychiatric technicians; and mental health rehabilitation specialists. (California Code of Regulations, Title 9, Sections 622-630). While registered or waived staff members are not specifically listed in the definition above, such individuals meet the requirement for mental health rehabilitation specialists and are therefore authorized to write 72-hour holds.

PURPOSE

- To describe the categories of individuals the Behavioral Health and Recovery Services (BHRS) Director may certify to write 72-hour holds, and
- To provide a process for training and certifying staff to write 5150's or to detain a youth under the authority cited in 5585.

POLICY

The ability to place a person on an involuntary hold is a legal rather than a clinical process. Statements made on the 5150 application need to be observable descriptions of behavior that substantiate a finding of danger to self, others or grave disability.

Professional Persons Authorized to Write 72-hour Holds

In addition to police officers, Welfare and Institutions Code Section 5150 and 5585 allow San Mateo County to certify specific professional staff (as above) to write 72-hour holds. The BHRS Director is responsible for certifying such professional staff.

Authorized Professional Persons:

- BHRS Staff Members, Staff of Contract Agencies, and of Other County Health Divisions approved for designation by BHRS: Upon application to the BHRS Director, professional BHRS staff who provide outpatient services, contract agencies, and other county health divisions may be trained and certified to write 72-hour holds. A current list of such certified staff members is maintained by BHRS Quality Management and provided to the BHRS Director on request.
- Staff of 5150 Inpatient Facilities: The professional person in charge of a 5150 designated facility may ask the BHRS Director to certify appropriate professional staff members to write 72-hour holds.
- Staff of Non-Psychiatric Inpatient Facilities: When a person, being treated in the Emergency Room of a non-psychiatric facility, appears to be either dangerous or gravely disabled due to a mental disorder, a 72-hour hold may be initiated for the purpose of transporting the person to a designated 5150 receiving facility for evaluation and treatment.
- Police Officers & Sheriffs may detain an individual for psychiatric evaluation only when the officer believes the individual is a danger to themselves or others, or is gravely disabled. The officer is responsible for transporting the individual to the nearest emergency room with psychiatric coverage and designated as a 5150 facility. The officer

is not required to remain in the facility through the assessment period, nor is the officer responsible for the individual if the facility decides not to admit him or her.

If the police officer has indicated on the 72-hour hold application that the person has been referred to the facility under circumstances which would support the filing of a criminal complaint, and requests notification of the person's discharge, the facility must promptly notify the police, or his/her agency, of the person's name, address, date of admission for 72-hour detention, and date of release when the person is not detained, when the person is released after the 72-hour detention, or when the person is discharged before 72 hours have expired (W&I Code Section 5152.1).

Whenever possible, certified BHRS professionals, as defined above, should write all 72-hour holds. If such individuals are unavailable, Emergency Room doctors with a 5150 card may write 72-hour holds.

Controlling Conditions for the Writing of 72-hour Holds

- The certification to write a 72-hour hold is valid only as long as the professional person remains in the employment of BHRS or the agency where they were certified to perform such holds. The authorization to write 72-hour holds does not carry over to non-work hours. Further, the authorization to write 72-hour holds does not carry over to the private practice of any individual, or to any other county.
- Certified staff may write a 72-hour hold only after conducting a face-to-face evaluation of the individual to determine if the legal criteria can be met for involuntary detention. The hold must be written after the evaluation and in close proximity to the person being detained.

72-Hour Hold Training

BHRS certifies individuals to write 72-hour holds once they have completed and passed the 5150 training.

All authorized individuals will be issued a Certification Card (copy attached) which documents their ability to initiate the 5150 process. The card must be available and shown on request whenever a 72-hour hold is written.

Certifications to write 72-hour holds expire three years after the issuance of the identification card. It is the responsibility of the staff member to assure that his/her certification is current, and to complete and pass the training prior to the expiration date on the card.

Approved: Signature on File

Stephen Kaplan, LCSW
BHRS Acting Director