



## PATIENT ADVOCACY PROGRAM

### QUICK REFERENCE GUIDE FOR NON-LPS DESIGNATED FACILITIES

Phone: (858) 256-4078

Fax: (619) 923-3875

## For Any Person Detained Pursuant to 5150 (72-Hour Detention)

*Pursuant to WIC § 5256(b) (AB-2275 effective January 1, 2023), due process hearings shall be scheduled whenever individuals have been detained pursuant to 5150 (for more than 72 hours and up to 7 days) at facilities where initiating a 5250 (14-day hold) is not possible. Non-LPS-designated facilities and crisis stabilization units (CSU's) will be expected to comply with this law, notify the Patient Advocacy Program at the conclusion of the 5150 detainment and conduct due process hearings at your facility. The involuntary detention begins from the time the person was first detained pursuant to WIC § 5150.*

- **If the patient wants to remain at the facility on a voluntary basis a hearing is not required.**
  - The facility should be able to demonstrate that the person is voluntary (e.g., voluntary status form signed by the patient).
- **If the patient wishes to leave the facility and continues to be detained at the end of the initial 72 hours and beyond due to symptoms related to Danger to Others, Danger to Self, and/or Gravely Disabled, as a result of a mental disorder, the information below applies.**
  - Notify Patient Advocacy via telephone and/or fax the 5150 form as soon as the initial 72 hours is expiring. Include the location and follow-up contact information for your facility.
  - A hearing will be scheduled by the court by or on the 7th day of detention.
  - Prepare relevant staff to present why the facility believes that this patient should remain detained.
  - How to prepare for the hearing - see reverse.

For additional information or free trainings please call us at (619) 282-1134  
or email [patientadvocacy@jfssd.org](mailto:patientadvocacy@jfssd.org)

Learn more about Patient Advocacy: [www.jfssd.org/patientadvocacy](http://www.jfssd.org/patientadvocacy)



The Patient Advocacy Program  
is funded by the County of San Diego



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### PREPARING FOR A HEARING

The San Diego Superior Court Office of Counselor in Mental Health will schedule a hearing by or before the 7th day of involuntary detention. The Court will notify the facility of the date and time of the scheduled hearing. A Superior Court Hearing Officer and a Patient Advocate will come to the facility to conduct this hearing. The Patient Advocate will arrive approximately 30 minutes prior to the scheduled hearing to meet with the client and prepare them for the hearing.

#### Location of the Hearing

Must be held in an area allowing for safety, quietness, and a reasonable degree of confidentiality.

#### Facility Representative

A registered nurse, psychiatrist, social worker, or psychologist must be present at the hearing to give testimony and answer questions regarding the basis for continued detention.

#### What Needs to be Addressed

##### **What psychotropic medication is being provided and what symptoms are being targeted?**

- Name of the medication, dosage, and when it was last given.
- Any side effects from the medication(s) that would impact the patients ability to participate in the hearing such as sedation.
- Any PRN's or emergent muscular injections? **TIP:** Be prepared to provide dates & circumstances.

##### **What is the basis for detention?**

- Danger to Others
- Danger to Self
- Grave disability (defined as a condition in which a person, as a result of a mental disorder, is unable to provide for their basic personal needs for food, clothing, or shelter).

#### Information to Present at the Hearing

- Current symptoms indicating the need for continuing involuntary detention.
- Be specific (avoid conclusionary statements).
- The desire to leave the hospital, absent other symptoms or behaviors, cannot serve as the only basis for continued detention.
- If available, provide information of past (preferably recent) psychiatric hospitalizations.
- What are the behaviors seen related to mental illness?
- Why can't the symptoms be managed in a less restrictive environment?

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