



MICHELLE BAASS  
DIRECTOR

State of California—Health and Human Services Agency  
Department of Health Care Services



GAVIN NEWSOM  
GOVERNOR

DATE: March 16, 2022

Behavioral Health Information Notice No: 21-007

TO: California Alliance of Child and Family Services  
California Association for Alcohol/Drug Educators  
California Association of Alcohol & Drug Program Executives, Inc.  
California Association of DUI Treatment Programs  
California Association of Social Rehabilitation Agencies  
California Consortium of Addiction Programs and Professionals California  
Council of Community Behavioral Health Agencies  
California Hospital Association  
California Opioid Maintenance Providers  
California State Association of Counties  
Coalition of Alcohol and Drug Associations  
County Behavioral Health Directors  
County Behavioral Health Directors Association of California  
County Drug & Alcohol Administrators  
California Association of Highway Patrolmen  
California Association of Public Hospitals  
California Children's Hospital Association  
California Peace Officers' Association  
California State Sheriff's Association  
California Statewide Law Enforcement Association  
Disability Rights California  
Hospital Association of Southern California  
Northern California Peace Officer Association  
Private Essential Access Community Hospitals  
State Park Peace Officers Association of California

SUBJECT: Training in the procedures for designation of professionals; professionals and mobile crisis teams' immunity from liability for actions of an individual released from a 72-hour hold; Summary of Assembly Bill (AB) 1443.

PURPOSE: To provide notice of amendments made to the Lanterman-Petris-Short (LPS) Act, including allowing a county behavioral health director to develop a training in the procedures for designation of professionals and providing immunity for designated professionals and mobile crisis teams performing functions under Welfare and Institutions (W&I) Code [Section 5150](#) in certain circumstances.

REFERENCE: [AB 1443](#) (McCarty, Chapter 399, Statutes of 2021)  
W&I sections [5121](#) and [5154](#)

## **BACKGROUND**

Peace officers, professional persons in charge and members of the attending staff of a facility designated by the county for evaluation and treatment, and designated members of a mobile crisis team and professional persons may place an individual on a 72-hour involuntary detention hold pursuant to requirements specified in the LPS Act.<sup>1</sup> Prior to AB 1443, a county behavioral health director who denied or revoked an individual's designation to place involuntary holds was not required by statute to provide a written notification to the person who made the request for designation of the individual or to the individual who was the subject of the request for designation, describing the reasons for denial or revocation. Similarly, the LPS Act provided immunity for certain types of authorized individuals, but did not address immunity for a designated member of a mobile crisis team or a professional person for the actions of a person released at or before the end of a 72-hour involuntary detention.

## **SUMMARY OF STATUTORY CHANGES**

AB 1443 made the following important changes in the law:

### **W&I Code section 5121**

Prior to AB 1443, W&I Code, section 5121 permitted a county behavioral health director to develop procedures for the county's designation and training of professionals who will be authorized to perform functions under W&I section 5150.<sup>2</sup> AB 1443 added subdivisions (b) through (e), which provide as follows:

- When a county behavioral health director denies or revokes an individual's designation, the county behavioral health director must notify the person who made the request for designation of an individual and the individual who was the subject of the designation request in writing;
- Authorizes county behavioral health directors to develop a training on the procedures for the designation of professionals who perform functions under W&I Code section 5150;
- Members of a mobile crisis team and professional persons shall not be prohibited from transporting a person pursuant to the W&I Code section 5150;
- Requires the behavioral health director of the County of Sacramento, if they develop procedures for designation and training of professionals to perform functions under section 5150, to issue a written policy regarding those procedures by April 1, 2022. The policy must address, at a minimum,

---

<sup>1</sup> W&I Code, § 5121, subd. (a).

<sup>2</sup> Id.

the topics identified in section 5121(a). The policy must also require the behavioral health director of the County of Sacramento to designate individuals employed by the City of Sacramento who are also members of a mobile crisis team or professional persons, if all specified requirements are met.

**W&I Code 5154**

Existing law provides certain individuals, including the treating psychiatrist and peace officers, with immunity from civil and criminal liability with respect to any actions by a person who is released before the end of a 72-hour involuntary hold. AB 1443 amended W&I Code section 5154 to add subsection (d), which now extends similar immunities to a member of a mobile crisis team or a professional person:

- Members of a mobile crisis team or professional persons, who have been designated by the county pursuant to section 5121 and who detain or transport a person pursuant to section 5150, shall not, as a result of detaining or transporting the person, be civilly or criminally liable for any action by that person if they are released at or before the end of the 72-hour involuntary detention.

DHCS recommends that providers review the new and amended W&I Code sections to ensure compliance and note important changes in the law.

If you have questions regarding this Information Notice, please contact the Mental Health Licensing Section at [MHLC@dhcs.ca.gov](mailto:MHLC@dhcs.ca.gov) or (916) 323-1864.

Sincerely,

Original signed by

Janelle Ito-Orille, Chief  
Licensing and Certification Division