

**California Department of Health Care Services  
Proposed Trailer Bill Language**

**Enhanced Lanterman-Petris Short Act Data and Reporting**

**FACT SHEET**

**Issue Title: Enhanced Accountability in the Lanterman-Petris Short Act Data and Reporting.** The Department of Health Care Services (DHCS) is proposing to expand Lanterman-Petris-Short (LPS) Act data reporting requirements primarily by: 1) requiring counties to collect and report data quarterly to DHCS from their local entities implementing LPS involuntary holds rather than those entities reporting directly to DHCS, and 2) authorizing DHCS to levy civil money penalties against facilities and counties for failure to submit data timely. The civil money penalties would be subject to an appeals process and penalty revenue would be deposited into a new continuously appropriated special fund to support DHCS implementation of Chapter 539, Statutes of 2022 (SB 929).

**Background:** The California State Auditor's July 2020 report: [\*Lanterman-Petris-Short Act California Has Not Ensured That Individuals With Serious Mental Illnesses Receive Adequate Ongoing Care\*](#) made recommendations to the Legislature for improvements to the reporting requirements for LPS Act holds and to ensure that counties can access existing state-managed data about the specific individuals placed on holds. In part, the report noted that counties have difficulty accessing information about when individuals are placed on involuntary holds and the treatment facilities who serve these individuals do not always share information about involuntary holds with county behavioral health departments. Furthermore, existing law requires DHCS to annually collect and publish quantitative data concerning the number of persons admitted and treated involuntarily (Welfare & Institutions (W&I) Code Section 5402). However, state law does not permit DHCS to collect information on the number of instances for which a person was detained and admitted for evaluation and treatment. In addition, existing law allows non-designated facilities, as well as designated members of a mobile crisis team and county-designated professional persons, to involuntarily detain an individual for up to 72 hours for assessment, evaluation and crisis intervention under the LPS Act (W&I Code Section 5150 (a)). DHCS does not have oversight of these entities and does not have the authority to collect information from these non-designated entities. For that reason, the auditor's report stated that DHCS data collection does not provide county behavioral health departments with sufficient and timely information regarding LPS holds for their residents so that they can effectively intervene and proactively support individuals who are at risk of more restrictive holds/placement.

SB 929: 1) requires DHCS to collect data quarterly and publish, on or before May 1 of each year, a report including quantitative, de-identified information relating to persons admitted or detained pursuant to the LPS Act; 2) requires the Judicial Council to provide DHCS, by October 1 of each year, specified data from each superior court that is necessary for DHCS to complete the report; 3) requires each county behavioral health

director or other entity involved in implementing the provisions to provide data as prescribed by DHCS; and (4) authorizes DHCS to impose a plan of correction against a facility or county that fails to submit data timely or as required.

**Justification for the Change:** DHCS believes SB 929 was an incremental first step to assist in identifying LPS Act hold trends, which will improve treatment and service outcomes. However, DHCS does not have authority over all entities which initiate these types of hold. DHCS proposes to clarify that data should flow from facilities and other entities to counties and from counties to DHCS. The proposed trailer bill would require counties to collect and report data quarterly to DHCS from their local designated and approved facilities, along with other entities implementing involuntary holds pursuant to the LPS Act. Pursuant to existing law, DHCS will publish a de-identified annual report to enable counties to develop program services for individuals placed on involuntary holds under the LPS Act and to connect these individuals with services that would support their ongoing behavioral health needs. The proposal authorizes counties to establish policies and procedures in order to provide accurate and complete data to DHCS. Furthermore, without the ability to impose civil money penalties for non-compliance related to either late or inaccurate/incomplete data reporting, there may be challenges to successfully enforce compliance, which could lead to difficulties with implementation of the bill. The proposed trailer bill includes the ability for facilities and counties to submit written appeals and request a formal hearing for any civil money penalties levied against them, as well as establish the LPS Act Oversight Data and Reporting Oversight Fund as the repository of these funds. DHCS has communicated to the author the need for clean-up language to clarify the flow of data and to levy monetary penalties, where appropriate, against facilities and counties for failure to submit accurate or timely information.

**Summary of Arguments in Support:**

- Clarifies the roles and responsibilities of data reporting among the state, county and providers in the LPS system.
- Provides DHCS the ability to levy civil money penalties against facilities and counties for failure to submit data timely.

**BCP # and Title:** 4260-074-BCP-2023-GB Enhanced Lanterman-Petris Short Act Data and Reporting (SB 929)