



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



GAVIN NEWSOM
GOVERNOR

DATE: January 11, 2021

Behavioral Health Information Notice No: 21-003
Supersedes [MHSUDS Information Notice No.: 14-004](#)

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 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 Hospital Association
California Opioid Maintenance Providers
California Peace Officers' Association
California Police Chiefs' Association
California State Association of Counties
California State Sheriff's Association
California Statewide Law Enforcement Association
Coalition of Alcohol and Drug Associations
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: Telehealth for assessment of 72-hour involuntary detentions (5150 and 5151 assessments): Implementation of Assembly Bill (AB) 3242

PURPOSE: Provide notice of additions and amendments made to the Lanterman-Petris-Short (LPS) Act, including allowing 5151 mental health assessments to be conducted via telehealth using synchronous audio and visual components.

REFERENCE: AB 3242 (Irwin, Chapter 149, Statutes of 2020)
Welfare and Institutions (W&I) Code sections 5150 and 5151
[MHSUDS Information Notice No.: 14-004](#)

BACKGROUND

Current law allows designated officials, upon probable cause, to take a person into custody for crisis intervention, assessment, and evaluation, or place the person in a designated facility for up to 72 hours for evaluation and treatment, when a person is gravely disabled, or a danger to himself/herself or others, due to a mental health disorder (generally referred to as a “5150 hold”).¹ An evaluation may be conducted face-to-face by telehealth or in person.² Prior to AB 3242, before admitting a person to a facility for treatment and evaluation pursuant to W&I Code section 5150, the professional person in charge of the facility (or their designee) was required to complete an assessment of the individual in person.³

POLICY

AB 3242 now allows examinations or assessments under W&I Code sections 5150 and 5151 to be conducted via telehealth.⁴ More specifically, required assessments under W&I Code section 5151 may now be completed face-to-face via a mode of telehealth that uses synchronous audio and visual components.⁵ The examination or assessment shall be consistent with the county’s authority to designate facilities for evaluation and treatment, pursuant to sections 5150 and 5404 of the W&I Code.

“Telehealth” means the mode of delivering health care services and public health via information and communication technologies, as defined in Business and Professions Code section 2290.5.

¹ W&I Code, § 5150, subd. (a).

² W&I Code, § 5008, subd. (a).

³ W&I Code, § 5151.

⁴ See W&I Code section 5150.5 as newly added by AB 3242.

⁵ See W&I Code section 5151 as amended by AB 3242.

Behavioral Health Information Notice No.: 21-003
Page 3
January 11, 2021

DHCS recommends that providers review the new and amended W&I Code sections to ensure compliance and note important changes in the law. The chaptered legislation is available online at the following link:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB3242.

If you have any questions regarding this Information Notice, please contact the Mental Health Licensing Section at MHLC@dhcs.ca.gov.

Sincerely,

Original signed by

Janelle Ito-Orille, Chief
Licensing and Certification Division