

# California Code of Regulations

## Title 9. Rehabilitative and Developmental Services

### Division 1. Department of Mental Health

#### Chapter 4. Community Mental Health Services Under the Lanterman-Petris-Short Act

##### ARTICLE 3. FACILITIES

###### § 820. Designation by Board of Supervisors. [Repealed]

###### § 821. Approval of Facilities.

Any facility designated by the board of supervisors of a county for evaluation and treatment pursuant to Articles 1 and 2 of Chapter 2, Part 1, Division 5 of the Welfare and Institutions Code, is subject to approval of the Department. Such a facility shall be approved by the Department if it meets the requirements of Chapter 3 of this title for inpatient services.

###### § 821.1. Approval of Persons or Agencies for Prepetition Screening.

Any person or agency designated by the board of supervisors of a county under Section 5202 of the Act to provide prepetition screening is subject to the approval of the Department. Such person or agency shall be approved by the Department only if the person or agency is working under the direction of the Director of Local Mental Health Services or a physician designated by the Director of Local Mental Health Services or social worker as defined in Section 624 or 625 designated by the Director of Local Mental Health Services.

###### § 822. Professional Person in Charge of a Facility.

As used in the Act, "professional person in charge of a facility" means a person as defined in Section 623, 624, 625, 626, or 627 of this Chapter who is designated by the governing board of the facility or other agency or person having control of the facility as the professional person clinically in charge of the facility for purposes of the Act. The designation shall be in writing.

###### § 823. Attending Staff.

"Attending staff" under section 5150 of the Act means any person having responsibility for the care and treatment of the patient, as designated by the Local Mental Health Director, on the staff of an evaluation facility designated by the county.

###### § 824. Facilities for Inebriates and Alcoholics. [Repealed]

## **§ 825. Calculation of Evaluation and Treatment Period.**

As of January 1, 1979, all facilities that are designated as 72-hour evaluation and treatment facilities pursuant to Section 5150 of the Welfare and Institutions Code must count Saturdays, Sundays, and holidays as part of the 72-hour period unless exempted by the Department.

### **§ 825.1. Exemption Requests.**

Facilities wishing to be exempted from this requirement must apply through the Local Mental Health Director who shall submit a written request to the Department requesting such exemption.

### **§ 825.2. Exemption Request Requirements.**

The request shall include the following information:

- (a) The identity of the facility for which the exemption is requested;
- (b) The reason(s) that evaluation and treatment services cannot be made available on Saturdays, Sundays, and holidays. If the reason relates to staffing, there shall be included a statement explaining normal staffing standards pursuant to Article 10 of Subchapter 3 on days when evaluation and treatment services are provided and why such staffing is not available on Saturdays, Sundays, and holidays.
- (c) A description of the efforts the facility has made and will make to provide evaluation and treatment services on Saturdays, Sundays, and holidays.

### **§ 825.3. Certification of Exemptions.**

The Department will either certify that the facility cannot reasonably provide evaluation and treatment services on Saturdays, Sundays, and holidays or deny such certification. If granted, the certification shall be effective for two years unless revoked in accordance with Section 825.4.

### **§ 825.4. Reapplication for or Revocation of Certification.**

If certification is denied a facility, the Local Mental Health Director may reapply for certification at any time. In addition, prior certifications exempting facilities may be revoked by the Department upon a finding that the facility can reasonably be expected to provide such services and after written notice and opportunity for the facility to respond has been given.

### **§ 829. Mental Health Treatment Facility. [Repealed]**

Content not updated. Current as of 3/12/12.