

PSYCHIATRIC HEALTH FACILITY POLICIES AND PROCEDURES

COUNTY OF SANTA BARBARA
DEPARTMENT OF ALCOHOL, DRUG AND MENTAL HEALTH SERVICES

Section:	LEGAL		
Subject:	5150--5250--527-.01 ENDING INVOLUNTARY STAY		
Form Ref #:		Feb. 1998 - Effective	
Search Item:	L-3.2	May 2006 - Revised	
Director's Approval:	_____	Date:	_____
Assistant Director's Approval:	_____	Date:	_____

POLICY:	<p>Santa Barbara County Psychiatric Health Facility (PHF) will not presume that any of its patients admitted lacks the capacity to give or refuse informed consent. Certification Review Hearings are required for all persons certified for 3 days of treatment or more.</p>
PROCEDURE:	<p><u>5150</u> Presentation of the 5150 to the patient for explanation will be done by the staff person who will also ask and note on the form whether or not the patient wishes to file a Writ.</p> <p><u>5250</u> When the 5250 is filed with the County Clerk, a copy will be sent to the Public Defender's Office.</p> <p><u>Probable Cause Hearing</u> At the Probable Cause Hearing, which takes place within 7 days of the filing of the 5250, the Hearing Officer and the Patient's Rights Advocate will explain the right to Writ. The Patient's Rights Advocate will follow up with the Public Defender's Office when necessary.</p> <p><u>Public Defender</u> The Public Defender or an investigator from the Public Defender's Office will interview those patients wanting to file a Writ. At the Public Defender's discretion those patients who indicated they did not want to file a Writ may also be interviewed. A signed release of information consent form must be obtained from the patient before the Public Defender or the investigator reviews the patient's chart or makes copies of the patient's records. The Public Defender or investigator will have a list of patient names whom they wish to interview based on the 5250's filed with their office. A copy of that list with the date the patients were interviewed will be given to the Unit Secretary. The Public Defender's Office will call the Unit Secretary when a court date is set for the Writ Hearing. The Unit Secretary will note on the list the date of the hearing. The list will be updated as needed.</p>

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