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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 5. COMMUNITY MENTAL HEALTH SERVICES [5000 - 5987] (*Division 5 repealed and added by Stats. 1967, Ch. 1667.*)

PART 1. THE LANTERMAN-PETRIS-SHORT ACT [5000 - 5550] (*Heading of Part 1 amended by Stats. 1968, Ch. 1374.*)

CHAPTER 6.2. Mental Health Advocacy [5500 - 5550] (*Heading of Chapter 6.2 renumbered from Chapter 6 (as added by Stats. 1981, Ch. 841) by Stats. 1986, Ch. 248, Sec. 251.*)

ARTICLE 6. Penalties [5550- 5550.] (*Article 6 added by Stats. 1981, Ch. 841, Sec. 7.*)

5550. (a) Any person participating in filing a complaint or providing information pursuant to this chapter or participating in a judicial proceeding resulting therefrom shall be presumed to be acting in good faith and unless the presumption is rebutted shall be immune from any liability, civil or criminal, and shall be immune from any penalty, sanction, or restriction that otherwise might be incurred or imposed.

(b) A person shall not knowingly obstruct any county patients' rights advocate in the performance of duties as described in this chapter, including, but not limited to, access to clients or potential clients, or to their records, whether financial, medical, or otherwise, or to other information, materials, or records, or otherwise violate this chapter.

(c) A facility to which the provisions of Section 5325 are applicable shall not discriminate or retaliate in any manner against a patient or employee on the basis that the patient or employee has initiated or participated in any proceeding specified in this chapter. Any attempt by a facility to expel a patient, or any discriminatory treatment of a patient, who, or upon whose behalf, a complaint has been submitted to a county patients' rights advocate within 120 days of the filing of the complaint shall raise a rebuttable presumption that the action was taken by the facility in retaliation for the filing of the complaint.

(d) A county patients' rights advocate shall not knowingly violate this chapter concerning client privacy and the confidentiality of personally identifiable information.

(e) Any person or facility found in violation of subdivision (b) or (d) shall pay a civil penalty, as determined by a court, of not less than one hundred dollars (\$100), or more than one thousand dollars (\$1,000), which shall be deposited in the county general funds.

(f) A county patients' rights advocate who performs this role as an independent contractor or employee of a contracted organization shall have the protection provided pursuant to Section 5525.

(Amended by Stats. 2019, Ch. 423, Sec. 2. (AB 333) Effective January 1, 2020.)