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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 COMMUNITY MENTAL HEALTH SERVICES [5000 - 5987]** (*Division 5 repealed and added by Stats. 1967, Ch. 1667.*)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 2. Patients' Rights Program [5510 - 5514]** (*Heading of Article 2 amended by Stats. 2012, Ch. 34, Sec. 105.*)

**5510.** (a) The Legislature finds and declares as follows:

(1) The State of California accepts its responsibility to ensure and uphold the right of persons with mental disabilities and an obligation, to be executed by the State Department of State Hospitals and the State Department of Health Care Services, to ensure that mental health laws, regulations and policies on the rights of recipients of mental health services are observed and protected in state hospitals and in licensed health and community care facilities.

(2) Persons with mental illness are vulnerable to abuse, neglect, and unreasonable and unlawful deprivations of their rights.

(3) Patients' rights advocacy and investigative services concerning patient abuse and neglect previously provided by the State Department of Mental Health, including the Office of Human Rights and investigator, and state hospitals' patients' rights advocates and state hospital investigators and transferred to the State Department of Health Care Services and the State Department of State Hospitals, may have had or have conflicts of interest or the appearance of a conflict of interest.

(4) The services provided to patients and their families are of such a special and unique nature that they must be contracted out pursuant to paragraph (3) of subdivision (b) of Section 19130 of the Government Code.

(b) Therefore, to avoid the potential for a conflict of interest or the appearance of a conflict of interest, it is the intent of the Legislature that the patients' rights advocacy and investigative services described in this article be provided by a single contractor specified in Section 5370.2 that meets both of the following criteria:

(1) The contractor can demonstrate the capability to provide statewide advocacy services for persons with mental disabilities.

(2) The contractor has no direct or indirect responsibility for providing services to persons with mental disabilities, except advocacy services.

(c) For the purposes of this article, the Legislature further finds and declares, because of a potential conflict of interest or the appearance of a conflict of interest, that the goals and purposes of the state patients' rights advocacy and investigative services cannot be accomplished through the utilization of persons selected pursuant to the regular state civil service system. Accordingly, the contracts into which the department enters pursuant to this section are permitted and authorized by paragraphs (3) and (5) of subdivision (b) of Section 19130 of the Government Code.

(d) The State Department of State Hospitals and the State Department of Health Care Services shall contract with a single nonprofit entity to provide for the protection and advocacy services to persons with mental disabilities, as specified in Section 5370.2. The State Department of Health Care Services and the State Department of State Hospitals shall enter into a memorandum of understanding to ensure the effective management of the contract and the required activities affecting county patients' rights programs. The entity shall be responsible for ensuring that mental health laws, regulations, and policies on the rights of recipients of mental health services are observed in state hospitals and in licensed health and community care facilities.

(e) The findings and declarations of potential conflict of interest provided in this section shall not apply to advocacy services provided under Article 3 (commencing with Section 5520).

*(Amended by Stats. 2012, Ch. 34, Sec. 106. (SB 1009) Effective June 27, 2012.)*

**5511.** The Director of State Hospitals or the executive director of each state hospital may contract with independent persons or agencies to perform patients' rights advocacy services in state hospitals.

*(Amended by Stats. 2014, Ch. 144, Sec. 98. (AB 1847) Effective January 1, 2015.)*

**5512.** Training of county patients' rights advocates shall be provided by the contractor specified in Section 5510 responsible for the provision of protection and advocacy services to persons with mental disabilities. Training shall be directed at ensuring that all county patients' rights advocates possess:

- (a) Knowledge of the service system, financial entitlements, and service rights of persons receiving mental health services. This knowledge shall include, but need not be limited to, knowledge of available treatment and service resources in order to ensure timely access to treatment and services.
- (b) Knowledge of patients' rights in institutional and community facilities.
- (c) Knowledge of civil commitment statutes and procedures.
- (d) Knowledge of state and federal laws and regulations affecting recipients of mental health services.
- (e) Ability to work effectively and respectfully with service recipients and providers, public administrators, community groups, and the judicial system.
- (f) Skill in interviewing and counseling service recipients, including giving information and appropriate referrals.
- (g) Ability to investigate and assess complaints and screen for legal problems.
- (h) Knowledge of administrative and judicial due process proceedings in order to provide representation at administrative hearings and to assist in judicial hearings when necessary to carry out the intent of Section 5522 regarding cooperation between advocates and legal representatives.
- (i) Knowledge of, and commitment to, advocacy ethics and principles.
- (j) This section shall become operative on January 1, 1996.

*(Amended (as added by Stats. 1992, Ch. 722, Sec. 29) by Stats. 1995, Ch. 546, Sec. 6. Effective January 1, 1996. Section operative January 1, 1996, by its own provisions.)*

**5513.** The patients' rights program shall serve as a liaison between county patients' rights advocates and the State Department of Health Care Services.

*(Amended by Stats. 2012, Ch. 34, Sec. 107. (SB 1009) Effective June 27, 2012.)*

**5514.** There shall be a five-person Patients' Rights Committee formed through the California Behavioral Health Planning Council. This committee, supplemented by two ad hoc members appointed by the chairperson of the committee, shall advise the Director of Health Care Services and the Director of State Hospitals regarding department policies and practices that affect patients' rights. The committee shall also review the advocacy and patients' rights components of each county mental health plan or performance contract and advise the Director of Health Care Services and the Director of State Hospitals concerning the adequacy of each plan or performance contract in protecting patients' rights. The ad hoc members of the committee shall be persons with substantial experience in establishing and providing independent advocacy services to recipients of mental health services.

*(Amended by Stats. 2017, Ch. 511, Sec. 4. (AB 1688) Effective January 1, 2018.)*