



## **7.2.33 MENTAL HEALTH DIVERSION – MEDICATION ADMINISTRATION AND CONSENT**

Issue Date: 05/26/2026

Revision History: Not Applicable

References: Penal Code (PC) section 1001.36 and Welfare and Institutions Code (WIC) 4361

Policy Owner: Behavioral Health Division, Acute & Forensic Section Manager

Director Signature: **Signature on File**

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### **I. Policy Statement**

The California Department of State Hospitals (DSH) requires clear guidelines and procedures for operating the Felony Mental Health Diversion (MHD) Program. This policy was created to ensure the Sonoma County Behavioral Health Felony Mental Health Diversion team (MHD) demonstrates compliance with Penal Code (PC) section 1001.36 and Welfare and Institutions Code (WIC) 4361 and to serve as a reference for staff.

### **II. Scope**

This policy applies to all Sonoma County Department of Health Services, Behavioral Health Division (DHS-BHD) staff assigned to provide Specialty Mental Health Services (SMHS) in the Felony MHD Program.

### **III. Definitions**

- A. Department of Health Services, Behavioral Health Division (DHS-BHD): The Sonoma County entity responsible for administering publicly funded behavioral health services.
- B. Felony Mental Health Diversion (MHD) Program: DHS-BHD operates a Specialty Mental Health Services (SMHS) outpatient treatment program for individuals participating in MHD Court. The program provides SMHS utilizing the Assertive Community Treatment (ACT) model of care.

- C. Incompetent to Stand Trial (IST): A legal term that denotes a defendant's lack of capacity to participate in legal proceedings or assist in their own legal defense.
- D. Licensed Medical Staff: An individual employed by DHS-BHD who holds a valid California license as a medical doctor (MD), doctor of osteopathy (DO), nurse practitioner (NP), physician assistant (PA), registered nurse (RN), licensed vocational nurse (LVN), or licensed psychiatric technician (LPT).
- E. Medication Administration: The process of delivering medication to the body of a client by any route. A service that only a licensed medical staff person is eligible to perform.
- F. Medication Dispensing: The process of preparing, packaging, labeling, and subsequently transferring of prescription medications to a client. A service that a licensed medical staff person is eligible to perform.
- G. Medication Distribution: The process of placing medications into a mediset on behalf of a client for their independent self-administration or supporting and coaching a client in preparing their own mediset. A service that a licensed medical staff person is eligible to perform.
- H. Medication Hand Off: The process by which medications that have been dispensed and distributed by a licensed medical staff are handed off to a client to self-administer. A service that both a licensed and unlicensed staff person is eligible to perform.
- I. Mental Health Diversion (MHD): Pursuant to Penal Code (PC) section 1001.36 and Welfare and Institutions Code (WIC) 4361, allows felony IST defendants to participate in intensive community mental health treatment in lieu of inpatient DSH competency restoration treatment.
- J. Pronoun Usage: Throughout this policy, the singular "they/their" is used as a gender-neutral pronoun to promote clarity, readability, and inclusivity.
- K. Specialty Mental Health Services (SMHS): SMHS include, but are not limited to, the following: Assessment, Plan Development, Rehabilitation Services, Therapy Services, Collateral, Medication Support Services, Targeted Case Management, Crisis Intervention, Intensive Care Coordination (ICC), Intensive Home-Based Services (IHBS), and Therapeutic Behavioral Services (TBS). SMHS are provided to Medi-Cal members through Sonoma County Mental Health Plans (MHPs). All MHPs are part of the Sonoma County Mental Health or Behavioral Health departments. Any MHP may provide services through its own employees or through contracted providers.

#### IV. Policy

This policy ensures that all program staff assigned to the DHS-BHD MHD Program adhere to the requirements set forth by DSH under Penal Code (PC) section 1001.36 and Welfare and Institutions Code (WIC) 4361. This policy includes procedural guidelines for medication administration and consent in the MHD Program.

#### V. Procedures

##### A. General Guidelines

##### 1. Medical Consent

- a. The DHS-BHD staff assigned to MHD Program will adhere to the medication consent requirements as noted in the policy and procedures of DHS-BHD Policy No. 7.2.21, *Outpatient Medication Services*. It will also include the following:
  - i. Licensed medical staff will obtain client consent in accordance with professional standards of care and court practices. Staff shall also utilize strategies to promote and incentivize voluntary psychotropic medication compliance.
  - ii. Incentives include but are not limited to:
    - (1) Financial Incentives
    - (2) Social Recognition
    - (3) Contingency Programs
    - (4) Other Behavioral Economic Incentives

##### 2. Medication Administration

- a. Licensed medical staff assigned to the MHD Program will utilize the pre-existing procedures for administering medications as outlined in the DHS-BHD Policy No. 7.2.21, *Outpatient Medication Services*, and shall also include the following:
  - i. Licensed medical staff in the MHD program will make available any oral or injectable medication that has been prescribed by a licensed physician by coordinating delivery from an authorized pharmacy.

- ii. Licensed medical staff in the MHD Program will also meet with clients as scheduled to ensure prescribed medications are administered as indicated by a licensed physician's order.

(1) Meeting intervals will be subject to the following:

- (a) History of medication non-adherence.
- (b) Physician's order.
- (c) Protective factors identified in a violence risk assessment.
- (d) Individual recommended treatment plan requirements.
- (e) Phase of treatment as indicated by sustained progress.

(2) Medications may be administered in various settings and can include:

- (a) MHD Program Clinic
- (b) Field
- (c) Client Home
- (d) Client Placement

### 3. Medication Adherence

- a. DHS-BHD staff assigned to the MHD Program will regularly perform routine drug testing or assist clients in accessing laboratory testing to ensure compliance with prescribed medications. Testing intervals will be subject to the following:
  - i. History of medication non-adherence.
  - ii. Physician's order.
  - iii. Protective factors identified in a violence risk assessment.
  - iv. Individual recommended treatment plan requirements.
  - v. Phase of treatment as indicated by sustained progress.
- b. DHS-BHD staff assigned to the MHD Program will assist clients with maintaining adherence to prescribed medications by utilizing the following case management and clinical services:
  - i. Client psychoeducation.

- ii. Providing client encouragement.
- iii. Providing referral or scheduling follow up visit with an MHD program psychiatrist to discuss side effects or other complaints.
- iv. Assisting with arranging or providing access to any medical appointment.
- v. Hand off and observation of client self-access of previously dispensed medications.
- vi. Providing reminder calls to clients.
- vii. Developing environmental or behavioral visual cues to increase adherence.
- viii. Participating in multi-disciplinary team meetings.

**VI. Forms**

None

**VII. Attachments**

None