



Legislation Details (With Board Report)

**File #:** RES 17-169      **Name:** Temporary Conservatorship W&I Code  
**Type:** BoS Resolution      **Status:** Passed  
**File created:** 10/5/2017      **In control:** Board of Supervisors  
**On agenda:** 10/24/2017      **Final action:** 10/24/2017

**Title:** Adopt attached resolution to authorize the implementation and application of Article 4.7 of Chapter 2 of the Lanterman-Petris-Short Act, i.e., California Welfare and Institutions Code § 5270.10 et seq. in Monterey County to provide for an additional 30-day period of intensive inpatient psychiatric treatment as an alternative to filing a petition for Conservatorship when a limited amount of additional time is needed to stabilize an individual in involuntary inpatient care.

**Sponsors:** Ray Bullick

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Attachment A Schedule of Actions.pdf, 3. Attachment B Mental Health Extended Treatment Scenarios.pdf, 4. Attachment C Operational and Fiscal Analysis.pdf, 5. WIC Board Resolution.pdf, 6. Completed Board Order & Resolution

Date	Ver.	Action By	Action	Result
10/24/2017	1	Board of Supervisors	adopted	Pass

Adopt attached resolution to authorize the implementation and application of Article 4.7 of Chapter 2 of the Lanterman-Petris-Short Act, i.e., California Welfare and Institutions Code § 5270.10 et seq. in Monterey County to provide for an additional 30-day period of intensive inpatient psychiatric treatment as an alternative to filing a petition for Conservatorship when a limited amount of additional time is needed to stabilize an individual in involuntary inpatient care.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt attached resolution to authorize the implementation and application of Article 4.7 of Chapter 2 of the Lanterman-Petris-Short Act, i.e., California Welfare and Institutions Code § 5270.10 et seq. in Monterey County to provide for an additional 30-day period of intensive inpatient psychiatric treatment as an alternative to filing a petition for Conservatorship when a limited amount of additional time is needed to stabilize an individual in involuntary inpatient care.

SUMMARY/DISCUSSION:

The Lanterman-Petris-Short Act (LPS) states that a mentally disabled person deemed to be in serious need of mental health treatment may be involuntarily admitted for a 72-hour hold under the California Welfare and Institutions (W&I) Code § 5150, and if needed for an additional 14 days (W&I Code § 5250). In some case where the combined 17 days is not a sufficient period of time to stabilize someone with a serious mental health problem, the County currently requires a petition for a Temporary Conservatorship (T-Con) to be filed by the Public Guardian in order to provide up to 30 days of additional intensive treatment. Filing a petition of conservatorship is a significant event for the affected individuals, and requires extensive time and involvement from several departments. W&I Code § 5270.10 et seq. (hereinafter section 5270) is an alternative to the significant legal steps of filing a T-Con petition. Its provisions were enacted by the Legislature in an effort to reduce the number of LPS Conservatorship applications that are filed for gravely disabled persons “simply to

obtain an additional period of treatment without the belief that a conservator is actually needed and without the intention of proceeding to trial on the conservatorship petition.” (Section 5270.10 of the W&I Code).

The Board of Supervisors is authorized under W&I Code § 5270.12 to implement section 5270 for up to 30 days of inpatient treatment beyond the initial W&I Code § 5150 (3-day) and § 5250 (14-day) combined 17-day period. In addition to serving as an alternative to placing individuals under the extensive powers and authority of a temporary conservator, section 5270 will provide additional safeguards to individual rights, including a Certification Review Hearing, and possibly an additional Writ Hearing and a Riese Hearing (required to administer involuntary medication).

The adoption of section 5270 is optional for each County. To date, 19 counties have implemented this alternative, while other counties are considering adoption, or as in the case of San Bernardino County are in the midst of adopting. The three largest counties to adopt this practice, Los Angeles, Orange, and Sacramento, have reported reductions in conservatorships and related costs, and consider this to be a positive treatment tool that benefits both clients and their families. There will potentially be extra costs associated with additional patient’s rights hearings under section 5270, however, those will be absorbed within the overall cost savings from reduced T-Con filings.

Additional large counties to implement section 5270 include San Diego and San Francisco in 2014, and both have reported cost reductions. The Monterey County Public Guardian estimates that costs will be reduced, however, the most pessimistic projection indicates that costs will at the very least stay neutral when all factors are considered. (See attached Exhibit C, “Operational and Fiscal Analysis Related to Implementation of W&I 5270.”)

OTHER AGENCY INVOLVEMENT:

The Public Guardian, County Patients’ Rights Advocate, and County Counsel, have reviewed and approved this Resolution as to content.

FINANCING:

The adoption of the provisions of W&I Code § 5270.10 et seq. will have no impact to the County General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared By: Norm Morris, Management Analyst II, 1277

Approved By: Elsa M. Jimenez, Director of Health, 4526

Attachments:

Attachment A: Schedule of Actions / Procedures for 30-Day Extension of Treatment Under W&I § 5270.10 Et Seq. is on file with Clerk of the Board

Attachment B: Mental Health Extended Treatment Scenarios is on file with Clerk of the Board

Attachment C: Operational and Fiscal Analysis Related to Implementation of W&I 5270 is on file with Clerk of the Board

Resolution is on file with Clerk of the Board