

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: April 10, 2018

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tsoukas
Chief Legislative Analyst

Council File No.: 18-0002-S29
Assignment No.: 18-03-0223

SUBJECT: Resolution (Ryu – Harris-Dawson – Huizar) to SUPPORT Assembly Bill 1971 (Santiago and Friedman).

CLA RECOMMENDATION: Adopt Resolution (Ryu – Harris-Dawson – Huizar) to include in the City’s 2017-18 State Legislative Program SUPPORT for AB 1971 which would expand the definition of gravely disabled to consider urgently needed medical treatment as a basic human need when assessing an individual’s need for conservatorship or need for a 72 hour hold while maintaining all statutorily protected safeguards and civil liberties.

SUMMARY

The Resolution (Ryu – Harris-Dawson – Huizar), introduced March 9, 2018, states that there has been a significant increase in homeless people suffering from some form of mental illness from 2015 to 2017. According to local data, there is also an increase in death rate among the homeless population. The Resolution also states that the current mental health care system is ineffective and in need of thoughtful change.

The current California State Law defines gravely disabled as “a condition in which a person as a result of a mental health disorder is unable to provide for his or her basic personal needs for food, clothing, or shelter. The Assembly bill would expand that definition of “gravely disabled” to include a condition in which a person, as a result of a mental health disorder or chronic alcoholism, as applicable, is unable to provide for his or her medical treatment, as specified. It would expand the definition of gravely disabled to consider urgently needed medical treatment as basic human need when assessing their need for a 72 hour hold while maintaining all statutorily protected safeguards and civil liberties. The City Council has expressed their support of efforts to improve effective delivery of homeless services.

Assemblymembers Miguel Santiago and Laura Friedman introduced Assembly Bill 1971 to expand officials’ ability to assist those who are in a severe medical condition where the lack of treatment may result in substantial physical harm or death.

The Resolution recommends that the City support AB 1971.

BACKGROUND

In 1968, the Lanterman-Petris-Short Act (LPS) was enacted to provide guidelines for handling the involuntary civil commitment of individuals with mental illness who pose a danger to self or to others, or who are gravely disabled. LPS entails California Welfare and Institutions Code (WIC) section 5000 et seq., and, more specifically, WIC 5008(h)(1)(A) defines gravely disabled.

LPS authorizes the involuntary commitment and treatment of persons with specified mental health disorders for their own protection. Under this act, if a person who is gravely disabled is a danger to themselves or others, they may be taken into custody by a peace officer or a designated professional person, and placed in a facility for 72-hour treatment and evaluation. Existing law defines "gravely disabled" to mean either a condition in which a person, as a result of a mental health disorder or chronic alcoholism, is unable to provide for his or her basic personal needs for food, clothing, or shelter, or a condition in which a person has been found mentally incompetent.

This bill would expand that definition of "gravely disabled" to also include a condition in which a person, as a result of a mental health disorder or chronic alcoholism, is unable to provide for his or her medical treatment.

By expanding the above definition of "gravely disabled," the bill would increase the duties on local agencies, and would therefore impose a state-mandated local program.

Supporters for this bill includes Los Angeles County Board of Supervisors who are the cosponsors of this bill. The County argues that the current law does not address individuals with mental health disorder who are unable seek medical treatment. They argue that the bill recognizes that medical treatment should be counted as basic need. It is the intent of the legislation to also maintain all statutorily protected safeguards and civil liberties.

Other supporters of the bill includes the Steinberg Institute and California Psychiatric Association who are also cosponsors of the bill.

The American Civil Liberties Union, the California Association of Mental Health Patients' Rights Advocates, the California Pan-Ethnic Health Network, the Coalition on Homelessness San Francisco, the Law Foundation of Silicon Valley, Disability Rights California, the Sacramento Regional Coalition to End Homelessness, and the Western Center on Law on Poverty all oppose the bill on the potential of civil rights violation.


Support of AB 1971 to expand the definition of gravely disabled would allow Los Angeles County to more effectively deliver homeless services among the vulnerable homeless population with mental illness within the City.

DEPARTMENTS NOTIFIED

Housing and Community Investment Department

BILL STATUS

01/31/18	Read first time. To print.
02/01/18	From printer. May be heard in committee March 3.
03/15/18	Referred to Com. on HEALTH.
03/15/18	From committee chair, with author's amendments: Amend, and re-refer to Com. on HEALTH. Read second time and amended.


Pranita Amatya
Analyst

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, Los Angeles has seen a significant increase in homeless individuals suffering from a mental illness from 2015-2017; and

WHEREAS, according to local data, there is an increased death rate among the homeless population; and

WHEREAS, the status quo mental health care system is inefficient and in need of thoughtful change; and


WHEREAS, the California State Law defines gravely disabled as “a condition in which a person as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter”; and


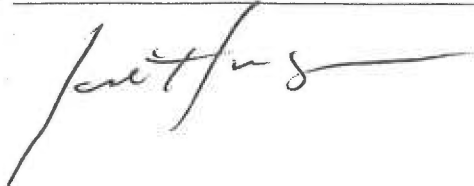
WHEREAS, current State law fails to address the needs of those with a mental illness that are unable to provide for their urgently needed medical treatment; and

WHEREAS, currently pending before the Assembly is a bill, AB 1971 (Santiago and Friedman) which seeks to change the definition of “gravely disabled” to consider urgently needed medical treatment as a basic human need when assessing an individual’s need for conservatorship or need for a 72 hour hold while maintaining all statutorily protected safeguards and civil liberties; and

WHEREAS, because the legislation would improve effective delivery of homeless services, it is in the City's interest to support the change in definition;

NOW, THEREFORE, BE IT RESOLVED, with concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-18 State Legislative Program SUPPORT for AB 1971 that would expand the definition of gravely disabled to consider urgently needed medical treatment as a basic human need when assessing an individual’s need for conservatorship or need for a 72 hour hold while maintaining all statutorily protected safeguards and civil liberties.

Presented By: 
DAVID RYU
Councilmember, 4th District

Seconded By: 


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