


# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: February 6, 2018

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

FROM: Sharon M. Tso   
Chief Legislative Analyst Council File No.: 18-0002-S11  
Assignment No.: 18-02-0091

SUBJECT: Resolution (Ryu – Englander – Huizar – Buscaino) to SUPPORT Future State Legislation to Amend Gravely Disabled Definition

CLA RECOMMENDATION: Adopt Resolution (Ryu – Englander – Huizar – Buscaino) to include in the City’s 2017-18 State Legislative Program SUPPORT for legislation that would expand the definition of gravely disabled to include "medical treatment where the lack or failure of such treatment results in substantial physical harm or death" while maintaining safeguards to protect an individual’s rights.

## SUMMARY

The Resolution (Ryu – Englander – Huizar – Buscaino), introduced January 31, 2018, states that at least 30 percent of the homeless individuals in the City of Los Angeles suffer from some form of mental illness. There are homeless individuals in such dire need of health and/or mental health care that their lives are in jeopardy. The current definition of gravely disabled, as defined by the State, is “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 Los Angeles County Board Supervisors Kathryn Barger and Mark Ridley-Thomas have proposed a change in definition of 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, shelter, or medical treatment where the lack or failure of such treatment results in substantial physical harm or death.” The County Motion instructs the Director of Department of Mental Health to immediately sponsor legislation that would amend the definition.

The Resolution recommends that the City support this legislation.

## BACKGROUND

In 1968, the Lanterman-Petris-Short Act (LPS) was enacted to provide guidelines for handling the involuntary civil commitment of individuals who, due to mental illness, pose a danger to self or to others, or who are gravely disabled. LPS includes California Welfare and Institutions Code section 5000 et seq., which defines gravely disabled.

The County Department of Mental Health (DMH) designed a survey to measure interest in amending the current definition. The survey asked a series of question to 78 mental health leaders from statewide organizations of which 47 completed responses were received. Overall, responses were positive with regards to amending the definition of gravely disabled. Based on the survey and studies, DMH recommends that the County pursue legislation that would adjust the definition of gravely disabled to include individuals with serious physical health needs that – like food, clothing, and shelter – are fundamental to wellbeing.

DMH recommends amending LPS statute to be consistent with other 37 other states, by adding the underlined portion below:

“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, shelter, or medical treatment where the lack or failure of such treatment may result in substantial physical harm or death.”

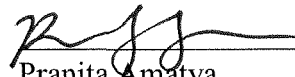
According to the County, while this recommended amendment to State law will not address all of the problems local jurisdictions face, it is a critical component which will allow for the humane treatment of those who are suffering from a mental illness and at risk of substantial physical harm or death.

DEPARTMENT NOTIFIED

Housing and Community Investment Department

BILL STATUS

1/30/2018 County approved motion to sponsor legislation.  
Bill has not been introduced yet.

  
Pranita Amatya  
Analyst

Attachment: 1. Resolution

**RESOLUTION** *RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS*

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 or the Mayor; and

WHEREAS, according to the Los Angeles Homeless Count estimates, at least 30 percent of the homeless individuals in the City of Los Angeles suffer from some form of mental illness; and

WHEREAS, issues of mental illness and mental healthcare are closely intertwined with the homelessness crisis in Los Angeles and there are individuals in such dire need of health and/or mental health care that their lives are in jeopardy; and

WHEREAS, the California Welfare and Institutions Code section 5000 et seq., 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, grave disability can be the basis for the court to require treatment of illnesses that are not being treated voluntarily; and


WHEREAS, the Los Angeles County Board Supervisors Kathryn Barger and Mark Ridley-Thomas are proposing a change in definition of 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, shelter, or medical treatment where the lack or failure of such treatment results in substantial physical harm or death"; and

WHEREAS, in addition, the Chief Executive Officer will be directed to work with the Director of the Department of Mental Health to immediately sponsor legislation that would amend the definition of gravely disabled; and

WHEREAS, because the County is the jurisdiction primarily responsible for the delivery of mental health services, it is in the City's interest to support the effective delivery of these services;

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 legislation that would expand the definition of gravely disabled (California Welfare and Institutions Code Section 5000 et seq.) to include "medical treatment where the lack or failure of such treatment results in substantial physical harm or death" while maintaining safeguards to protect an individual's rights.

PRESENTED BY:   
DAVID RYU  
Councilmember, 4<sup>th</sup> District

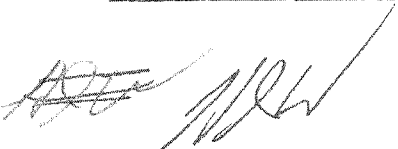
  
MITCHELL ENGLANDER  
Councilmember, 12<sup>th</sup> District

JAN 31 2018   
JOSE HUIZAR  
Councilmember, 14<sup>th</sup> District

  
JOE BUSCAINO  
Councilmember, 15<sup>th</sup> District

SECONDED BY: 





**ORIGINAL**