


**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: June 28, 2019

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

FROM: Sharon M. Tso  Chief Legislative Analyst Council File No: 19-0002-S116
Assignment No: 19-06-0696

SUBJECT: Audit of the Lanterman-Petris-Short Act

CLA RECOMMENDATION: Adopt Resolution (Huizar - Buscaino - Ryu) to include in the City's 2019-2020 State Legislative Program SUPPORT of legislative or administrative action:

- to initiate a state audit of the Lanterman-Petris-Short Act, in order to identify if its statutes need to be clarified, and whether changes are needed to improve the local implementation of involuntary care of those unable to care for themselves.
- by the Los Angeles County Board of Supervisors to authorize procedures for the appointment of a conservator, similar to San Francisco's ordinance, for a person incapable of caring for their own health and well-being due to a serious mental illness and substance use disorder.

SUMMARY

On June 26, 2019, the Resolution (Huizar - Buscaino - Ryu) was introduced in support for state legislative or administrative action to audit the Lanterman-Petris-Short Act related to involuntary care. The Resolution states that according to the Los Angeles Homeless Count estimates, at least 30 percent of the homeless individuals in the City suffer from some form of mental illness. The Lanterman-Petris-Short Act governs the involuntary holding and psychiatric treatment of mentally ill individuals, including those who are "gravely disabled" by an inability to care for themselves and obtain food, clothing, or housing, and the imposition of a court appointed guardian or conservatorship.

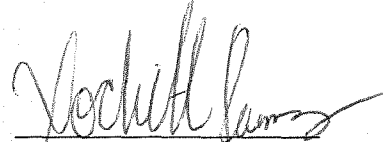
The Resolution recommends support of legislation or administrative action to initiate a state audit of the Lanterman-Petris-Short Act and support of legislative or administrative action by the Los Angeles County Board of Supervisors to authorize procedures for the appointment of a conservator, similar to San Francisco's ordinance, for a person incapable of caring for their own health and well-being due to a serious mental illness and substance use disorder.

BACKGROUND

In 1967, California Governor Ronald Reagan signed into law the Lanterman-Petris-Short (LPS) Act. Through the LPS Act, California sought to end the inappropriate, indefinite, and involuntary commitment of mentally disordered persons to institutions and encouraged the full use of all existing agencies, professional personnel and public funds to provide treatment. The LPS Act governs the involuntary holding and psychiatric treatment of mentally ill individuals, including those who are "gravely disabled" by an inability to care for themselves and obtain food, clothing,

or housing, and the imposition of a court appointed guardian or conservatorship. Senator Henry Stern has requested the State's Joint Legislative Audit Committee to consider initiating a State audit to review the LPS Act, which would include Los Angeles County, in order to identify if the LPS statutes need to be clarified or if changes are needed to improve local implementation.

The City has previously supported legislation such as SB 1045 which would expand conservatorships to better meet the needs of the most vulnerable individuals who suffer from chronic homelessness accompanied by severe mental illness, drug addiction, repeated commitments, or exceptionally frequent use of emergency medical services. On June 4, 2019, the San Francisco Board of Supervisors approved an ordinance similar to the proposed State legislation that will empower city health officials to allow certain people with mental health and drug use problems into treatment. The ordinance will expand a legal process known as conservatorships through a five-year pilot program. It will allow courts to appoint a public conservator to those involuntarily detained for psychiatric hospitalization at least eight times in one year under section 5150 of California's welfare and institutions code. The city's Department of Public Health estimates it will affect 50 to 100 people who were detained at least six or seven times over 12 months.



Xochitl Ramirez
Analyst

SMT:xr

Attachment: 1. Resolution (Huizar - Buscaino - Ryu)

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, 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 Lanterman-Petris-Short (LPS) Act, signed into California law in 1967, governs the involuntary holding and psychiatric treatment of mentally ill individuals, including those who are "gravely disabled" by an inability to care for themselves and obtain food, clothing, or housing, and the imposition of a court appointed guardian or conservatorship; and

WHEREAS, Senator Henry Stern has requested the State's Joint Legislative Audit Committee to consider initiating a State audit to review the LPS Act, which would include Los Angeles County, in order to identify if the LPS statutes need to be clarified or if changes are needed to improve local implementation; and

WHEREAS, the City supported SB 1045 (Wiener and Stern), legislation which would expand conservatorships to better meet the needs of the most vulnerable individuals who suffer from chronic homelessness accompanied by severe mental illness, drug addiction, repeated commitments, or exceptionally frequent use of emergency medical services; and

WHEREAS, the San Francisco Board of Supervisors approved an ordinance on June 4, 2019, which is a narrower version of the State legislation, that will empower city health officials to allow certain people with mental health and drug use problems into treatment; and

WHEREAS, the Ordinance will let courts appoint a public conservator to individuals who have been involuntarily detained for psychiatric hospitalization at least eight times in a year under section 5150 of California's welfare and institutions code; and

WHEREAS, Los Angeles County should also explore similar legislation which will allow the County to appoint a conservator to individuals with severe mental health illness to provide them with the necessary services; 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 legislation that would provide for the effective delivery of these services to the benefit of the most vulnerable population in the City of Los Angeles;


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 2019-20 State Legislative Program, SUPPORT of legislative or administrative action to initiate a state audit of the Lanterman-Petris-Short Act, in order to identify if its statutes need to be clarified, and whether changes are needed to improve the local implementation of involuntary care of those unable to care for themselves;

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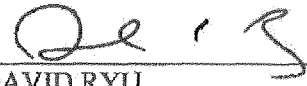


BE IT FURTHER RESOLVED, with concurrence of the Mayor, that by adoption of this resolution, the City of Los Angeles hereby includes in its 2019-20 State Legislative Program, SUPPORT of legislative or administrative action by the Los Angeles County Board of Supervisors to authorize procedures for the appointment of a conservator, similar to San Francisco's ordinance, for a person incapable of caring for their own health and well-being due to a serious mental illness and substance use disorder.

PRESENTED BY:



JOSE HUIZAR
Councilmember, 14th District



DAVID RYU
Councilmember, 4th District

SECONDED BY:



ORIGINAL