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SB-565 Mental health: involuntary commitment. (2017-2018)

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Senate Bill No. 565

CHAPTER 218

An act to amend Sections 5260 and 5270.15 of the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 01, 2017. Filed with Secretary of State September 01, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 565, Portantino. Mental health: involuntary commitment.

Existing law provides for up to 14 days of intensive treatment for a mental disorder or impairment by chronic alcoholism for a person who has been involuntarily committed and received an evaluation that meets certain specified criteria. Under existing law, before a person may be certified for a 14-day intensive treatment program, he or she is entitled to a certification review hearing conducted by a court-appointed commissioner or referee, or a certification review hearing officer. Existing law requires the mental health facility to make reasonable attempts to notify family members or any other person designated by the patient of the time and place of the certification hearing, unless the patient requests that this information not be provided.

Under existing law, upon the completion of a 14-day period of intensive treatment, a person may be certified for an additional period of not more than 30 days of intensive treatment if the professional staff of the agency or facility treating the person has found that the person remains gravely disabled as a result of a mental disorder or impairment by chronic alcoholism, and he or she remains unwilling or unable to accept treatment voluntarily. Existing law requires a person certified for an additional 30 days of treatment pursuant to these provisions to be provided a certification review hearing, as specified, unless a judicial review is requested.

This bill would require the mental health facility to make reasonable attempts to notify family members or any other person designated by the patient at least 36 hours prior to the certification review hearing for the additional 30 days of treatment, except as specified. The bill would make related technical, nonsubstantive changes.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5260 of the Welfare and Institutions Code is amended to read:

5260. At the expiration of the 14-day period of intensive treatment any person who, as a result of mental disorder or impairment by chronic alcoholism, during the 14-day period or the 72-hour evaluation period, threatened or attempted to take his or her own life or who was detained for evaluation and treatment because he or she threatened or attempted to take his or her own life and who continues to present an imminent threat of taking his or her own life, may be confined for further intensive treatment pursuant to this article for an additional period not to exceed 14 days.

This further intensive treatment may occur only under the following conditions:

- (a) The professional staff of the agency or facility providing intensive treatment services has analyzed the person's condition and has found that the person presents an imminent threat of taking his or her own life.
- (b) The person has been advised of, but has not accepted, voluntary treatment.
- (c) The facility providing additional intensive treatment is equipped and staffed to provide treatment, is designated by the county to provide that intensive treatment, and agrees to admit the person.
- (d) The person has, as a result of mental disorder or impairment by chronic alcoholism, threatened or attempted to take his or her own life during the 14-day period of intensive treatment or the 72-hour evaluation period or was detained for evaluation and treatment because he or she threatened or attempted to take his or her own life.

SEC. 2. Section 5270.15 of the Welfare and Institutions Code is amended to read:

5270.15. (a) Upon the completion of a 14-day period of intensive treatment pursuant to Section 5250, the person may be certified for an additional period of not more than 30 days of intensive treatment under both of the following conditions:

- (1) The professional staff of the agency or facility treating the person has found that the person remains gravely disabled as a result of a mental disorder or impairment by chronic alcoholism.
- (2) The person remains unwilling or unable to accept treatment voluntarily.

(b) A person certified for an additional 30 days pursuant to this article shall be provided a certification review hearing in accordance with Section 5256 unless a judicial review is requested pursuant to Article 5 (commencing with Section 5275).

(1) Reasonable attempts shall be made by the mental health facility to notify family members or any other person designated by the patient at least 36 hours prior to the certification review hearing, of the time and place of the certification hearing, unless the patient requests that this information not be provided. The patient shall be advised by the facility that is treating the patient that he or she has the right to request that this information not be provided.

(2) The professional staff of the agency or facility providing intensive treatment shall analyze the person's condition at intervals of not to exceed 10 days, to determine whether the person continues to meet the criteria established for certification under this section, and shall daily monitor the person's treatment plan and progress. Termination of this certification prior to the 30th day shall be made pursuant to Section 5270.35.