



DEPARTMENT OF  
**HEALTH AND HUMAN SERVICES**

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.



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May 22, 2018

Board of Supervisors  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Department of Health and Human Services, Division of Behavioral Health and Recovery Services and the Office of the Public Guardian requests approval of resolution authorizing the use of an additional thirty (30) day involuntary psychiatric hold under Welfare and Institutions Code §§ 5270.10 – 5270.65.**

Dear Supervisors:

**RECOMMENDATION:**

1. Authorize President to adopt resolution authorizing the use of an additional thirty (30) day involuntary psychiatric hold under Welfare and Institutions Code §§ 5270.10 – 5270.65.

**SUMMARY:** The Lanterman-Petris-Short (LPS) Act, Welfare and Institutions (W & I) Code §§ 5000-8000, mandates that a mentally disabled person requiring treatment be treated in the least restrictive setting and be afforded certain rights, including court hearings, if detained involuntarily. The LPS Act also sets criteria for who can be placed into involuntary care and establishes limits on the duration of involuntary holds.

Individuals deemed to be in serious need of mental health treatment may be involuntarily admitted to a facility, such as Marin County's Crisis Stabilization Unit, for evaluation and treatment on a 72-hour hold (5150 hold) (W & I Code §§ 5150, *et. seq.*). If the individual is unwilling or unable to remain voluntarily and further intensive treatment is indicated, that individual can be placed on an additional 14-day hold (5250 hold) (W & I Code §§ 5250, *et. seq.*). There are instances in which the 5150 and 5250 holds do not provide sufficient time for facilities to complete a thorough assessment, achieve patient stabilization, determine future treatment options, and investigate available family and/or community resources that may have ultimately obviated the need for placing a patient on conservatorship.

It is the intention of the Legislature to "reduce the number of gravely disabled persons for whom conservatorship petitions are filed and who are placed under the extensive powers and authority of a temporary conservator simply to obtain an additional period of treatment without the belief that a conservator is actually needed". LPS conservatorships place the responsibility for making decisions of care for the conserved individual, including decisions involving involuntary treatment and placement in locked facilities, with the Public Guardian. The first step in the process of imposing such a conservatorship involves the Public Guardian petitioning for

Temporary Conservatorship over the mentally disabled individual. Filing a Temporary Conservatorship petition is a significant legal event for affected individuals, because the imposition of even a Temporary Conservatorship carries with it certain social stigmas and significantly curtails the conserved individual's legal and other rights. The establishment of Temporary Conservatorships also requires significant County staff time from the Public Guardian's Office, Behavioral Health and Recovery Services, County Counsel, the Public Defender, and the Superior Court to process. Many individuals who are currently being placed on Temporary Conservatorships just need a few additional days of treatment beyond the 5250 hold and have no other basis for conservatorship.

Welfare and Institutions Code §§ 5270.10 - 5270.65 allow individuals who have already been placed on 5150 and 5250 holds to be held for an additional 30 days of intensive treatment (5270 hold), resulting in a total of 47 days of possible treatment including the initial 72-hour and subsequent 14-day holds. A 5270 hold would only be used when necessary to complete a thorough assessment, achieve patient stabilization, develop future treatment options, or investigate family and/or community resources and make appropriate referrals.

Your Board's approval of the proposed resolution would authorize the use of an additional 30-day involuntary psychiatric hold without first obtaining Temporary Conservatorship. If facilities were able to hold certain patients for an additional 30 days, it is anticipated that the number of institutional placements would ultimately decrease, as would the number of conservatorships established, thereby reducing the County costs associated with filing for and managing such conservatorships. Any additional costs incurred by implementing W & I Code §§ 5270.10 - 5270.65 will be offset by savings achieved through use of the 5270 hold.

**COMMUNITY BENEFITS:** The use of a 5270 hold better serves the needs and interests of the individual receiving treatment, provides additional time for the appropriate level of intensive treatment, and avoids the stigma and restrictions of a conservatorship.

**FISCAL IMPACT:** There is no fiscal component associated with the adoption of the resolution.

<b>Reviewed By:</b>	County Administrator	[ X ]	N/A	[ ]
	Department of Finance	[ ]	N/A	[ X ]
	County Counsel	[ X ]	N/A	[ ]
	Human Resources	[ ]	N/A	[ X ]

Respectfully submitted,

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Director