

February 28, 2023

Board of Supervisors  
County of Ventura  
800 South Victoria Avenue  
Ventura, CA 93009

**SUBJECT: Adoption of a Resolution Authorizing Lanterman-Petris-Short Act Designated Psychiatric Facilities in Ventura County to Petition for Additional 30-Day Involuntary Holds of Persons Determined to be Gravely Disabled for Mental Health Assessment and Treatment, Pursuant to Welfare and Institutions Code Section 5270.10 et seq.**

**RECOMMENDATION:**

Adopt a resolution to authorize Lanterman-Petris-Short Act (LPS) Designated Inpatient Psychiatric Facilities in Ventura County to petition for up to two additional 30-day holds for persons determined to be gravely disabled for mental health assessment and treatment, pursuant to Welfare and Institutions Code (WIC) Sections 5270.10 through 5270.70.

**FISCAL/MANDATES IMPACT:**

There is no fiscal impact related to the proposed recommendation.

**DISCUSSION:**

This item is intended to address a present legal gap in our County regarding involuntary civil psychiatric commitments. If adopted, the attached resolution would permit LPS designated inpatient psychiatric facilities in Ventura County (i.e., those specifically permitted by the Ventura County Behavioral Health (VCBH) Director to provide involuntary treatment) to petition the superior court for additional involuntary certification periods (also known as "holds") of persons impaired by symptoms of a mental health disorder to the point of being deemed "gravely disabled" within the meaning of the Welfare and Institutions Code (WIC).

WIC Section 5008 (h)(1)(A) defines "grave disability" to mean "*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 WIC excludes an intellectual disability as a sole criterion of a mental health disorder, because such individuals are better served

by specialized services provided by Regional Centers. It also specifically excludes homelessness as a sole qualifying criterion. Virtually all patients meeting the definition and criteria for "grave disability" have profound symptoms of psychosis, severe clinical depression or catatonia that impair them from caring for their personal needs of food, clothing or shelter and lack viable third-party assistance.

Presently, Ventura County's inpatient psychiatrists are limited to advocating for the following periods of involuntary commitment for persons determined to be gravely disabled:

- Initially, holding the patient under WIC Section 5150 up to 72 hours.
- Petitioning the Court, once for further commitment under WIC Section 5250, up to fourteen additional days.
- Or, in the extreme, filing for LPS Temporary Conservatorship, up to thirty additional days, with the stated intent of pursuing a year-long Full LPS Conservatorship (a complicated legal and very expensive process that often alienates the patient due to its extremely restrictive nature) by day 11 of the combined 5150/5250 holds.

Patients may at any time agree to continued voluntary treatment, and many do. However, because California's civil psychiatric commitment laws are generally considered to be extremely protective of civil rights in comparison to some other states, psychiatric patients' functioning must dramatically decompensate before they are involuntarily admitted. Often, the individual will have not taken necessary psychotropic medications for extended periods of time, often months prior to their decompensation and subsequent inpatient psychiatric hospitalization.

Because it routinely takes much more than 17 days (the total allowable amount of time a person may be involuntarily held under WIC Sections 5150 and 5250) to treat the person's symptoms and resultant grave disability, inpatient psychiatrists in Ventura County presently are faced with limited options and difficult choices for the continued treatment of such persons. If a petition for LPS temporary conservatorship is not filed by day 11 of the combined holds, the individual must either voluntarily decide to continue intensive inpatient treatment or must be discharged. It is therefore, far too often that patients who are "partially treated" are discharged, when further intensive inpatient psychiatric treatment would help restore their functioning.

As a result, gravely disabled individuals are at risk (some at extreme risk) of misadventure and inevitably come to the attention of law enforcement, the VCBH Crisis Team, and/or local hospital emergency departments. Some are eventually readmitted, and the process starts again. In contrast, if this resolution is adopted, a key additional legal option for petitioning the Court for continued psychiatric commitment would be made available to treat these individuals' grave disabilities. Many individuals could be restored to functioning without the high risks they face if discharged or having their rights limited under a LPS Conservatorship.

The proposed resolution provides additional options and ultimately flexibility in helping treat individuals who are Gravely Disabled. Specifically, pursuant to WIC 5270.10 et seq., the resolution would authorize LPS designated inpatient psychiatric facilities in Ventura County to petition the superior court to hold gravely disabled individuals for up to two additional 30-day periods for continued treatment. In order to protect the civil liberties of individuals involuntarily held, WIC 5270.10 et seq. authorizes the use of these additional psychiatric holds only for as long as the individual remains gravely disabled and subject to continued court oversight.

Critically, given on-going concerns about the lack of available intensive mental health treatment options throughout California, the number of possible holds was increased from one 30-day period to two under Senate Bill 1227, which was signed into law by the Governor, and is now effective as of January 1, 2023 for those counties that have adopted WIC 5270.10 et seq. It should be further noted that the adoption of WIC 5270.10 et seq. has been extensively discussed and enjoys wide support among the stakeholders.

Further, the additional 30-day hold(s) authorized by WIC Section 5270 provides for a less restrictive path than conservatorship for the person. By law, conservatorships are meant to be the "last resort" because they greatly restrict individuals' civil rights and are also resource intensive. Nonetheless, if the proposed resolution is adopted, a LPS Conservatorship would remain an option in extreme cases to protect individuals that remain gravely disabled. With the use of the additional 30-day involuntary holds authorized by WIC Section 5270.10 et seq., VCBH staff anticipate the need and use of conservatorships (including temporary conservatorships) will be reduced and thus will reduce costs associated with establishing and managing conservatorships, such that realized cost savings will be redirected to cover the costs of implementing the use of the additional 30-day holds.

Presently, there are two LPS designated inpatient psychiatric facilities in Ventura County, namely the Ventura County Medical Center Inpatient Psychiatric Unit and Vista Del Mar Hospital. WIC Section 5270.10 et seq. has been available for adoption by California counties since 1989. Staff's research suggests that Ventura County is among the last counties of any significant size not to have adopted it. It has been implemented for years throughout the State, most notably in both Santa Barbara County and Los Angeles County.

Unlike the 72-hour and the 14-day holds authorized by WIC Sections 5150 and 5250, the authority to use the additional involuntary holds under WIC Section 5270.10 et seq. is not automatic. Instead, in order to use the additional 30-day holds, county boards of supervisors must elect to authorize their use by adopting a resolution that finds (1) that any additional costs incurred by the county in the implementation of the additional 30-day holds are funded either by (i) new funding sufficient to cover the costs incurred by the county's election to use the additional 30-day hold; (ii) funds redirected from cost savings resulting from the use of the additional 30-day hold; or (iii) a combination thereof and (2) that no current service reductions will occur as a result of the use of such additional 30-

day holds. (Welf. & Inst. Code § 5270.12.) With the use of the additional 30-day involuntary holds authorized by WIC Section 5270.10 et seq., VCBH staff anticipates that there will be less need and use of conservatorships (including temporary conservatorships) such that costs associated with establishing and managing conservatorships will be reduced and redirected to cover the costs of implementing the use of the additional 30-day holds.

VCBH recommends adoption of the attached resolution to authorize LPS Designated Ventura County inpatient psychiatric facilities to petition under WIC Section 5270.10 et seq. for additional mental health assessment and treatment.

This Board Letter has been reviewed by the County Executive Office, Auditor-Controller's Office, and County Counsel. If you have any questions regarding this item, please contact VCBH Director Scott Gilman at (805) 981-2214 or Health Care Agency Assistant Chief Financial Officer Narcisa Egan at (805) 973-5357.

  
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Behavioral Health Director

  
BARRY ZIMMERMAN  
Health Care Agency Director

Attachment:

Resolution