

AMENDED IN SENATE MARCH 15, 2022

**SENATE BILL**

**No. 1227**

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**Introduced by Senator Eggman**

February 17, 2022

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An act to amend ~~Section 5150~~ *Sections 5270.35 and 5270.55* of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1227, as amended, Eggman. Involuntary—~~commitment~~. *commitment: intensive treatment.*

Existing law, the Lanterman-Petris-Short Act, provides for the involuntary commitment and treatment of persons with specified mental disorders for the protection of the persons committed. Under the act, when a person, as a result of a mental health disorder, is a danger to others, or to themselves, or gravely disabled, the person may, upon probable cause, be taken into custody and placed in a facility designated by the county and approved by the State Department of Health Care Services for up to 72 hours for evaluation and treatment. *Under existing law, if a person is detained for 72 hours under those provisions, and has received an evaluation, the person may be certified for not more than 14 days of intensive treatment, as specified. Existing law further authorizes a person to be certified for an additional period of not more than 30 days of intensive treatment if the person remains gravely disabled and is unwilling or unable to accept treatment voluntarily. Existing law requires the person to be released at the end of the 30 days, except under specified circumstances, including, but not limited to, when the patient is subject to a conservatorship petition filed pursuant to specified provisions. Existing law requires an evaluation to be made when a gravely disabled person may need to be detained*

beyond the initial 14-day period, as to whether the person is likely to qualify for appointment of a conservator, and, if so, requires that referral to be made, as specified.

This bill would authorize an additional 30-day period of treatment if the patient is still in need of intensive treatment and the certification for the additional 30-day treatment period has begun. The bill also would make conforming changes to the evaluation requirements for determining whether the patient is likely to qualify for appointment of a conservator.

~~This bill would make technical, nonsubstantive changes to those provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 5270.35 of the Welfare and Institutions  
2     Code is amended to read:  
3     5270.35. (a) A certification pursuant to this article shall be for  
4     no more than 30 days of intensive treatment, *except as provided*  
5     *in paragraph (4) of subdivision (b)*, and shall terminate only as  
6     soon as the psychiatrist directly responsible for the person's  
7     treatment believes, as a result of the psychiatrist's personal  
8     observations, that the person no longer meets the criteria for the  
9     certification, or is prepared to voluntarily accept treatment on a  
10    referral basis or to remain on a voluntary basis in the facility  
11    providing intensive treatment. However, in those situations in  
12    which both a psychiatrist and psychologist have personally  
13    evaluated or examined a person who is undergoing intensive  
14    treatment and there is a collaborative treatment relationship  
15    between the psychiatrist and the psychologist, either the psychiatrist  
16    or psychologist may authorize the release of the person but only  
17    after they have consulted with one another. In the event of a clinical  
18    or professional disagreement regarding the early release of a person  
19    who is undergoing intensive treatment, the person may not be  
20    released unless the facility's medical director overrules the decision  
21    of the psychiatrist or psychologist opposing the release. Both the  
22    psychiatrist and psychologist shall enter their findings, concerns,  
23    or objections into the person's medical record. If any other  
24    professional person who is authorized to release the person believes

1 the person should be released before 30 days have elapsed, and  
2 the psychiatrist directly responsible for the person’s treatment  
3 objects, the matter shall be referred to the medical director of the  
4 facility for the final decision. However, if the medical director is  
5 not a psychiatrist, ~~he or she~~ *they* shall appoint a designee who is  
6 a psychiatrist. If the matter is referred, the person shall be released  
7 before 30 days have elapsed only if the psychiatrist believes, as a  
8 result of the psychiatrist’s personal observations, that the person  
9 no longer meets the criteria for certification, or is prepared to  
10 voluntarily accept treatment on referral or to remain on a voluntary  
11 basis in the facility providing intensive treatment.

12 (b) Any person who has been certified for 30 days of intensive  
13 treatment under this article, shall be released at the end of 30 days  
14 unless one or more of the following is applicable:

15 (1) The patient agrees to receive further treatment on a voluntary  
16 basis.

17 (2) The patient is the subject of a conservatorship petition filed  
18 pursuant to Chapter 3 (commencing with Section 5350).

19 (3) The patient is the subject of a petition for postcertification  
20 treatment of a dangerous person filed pursuant to Article 6  
21 (commencing with Section 5300).

22 (4) *The patient is still in need of intensive services and the*  
23 *certification for an additional 30 days has begun. Under no*  
24 *circumstance shall a person be certified under this article for more*  
25 *than two consecutive periods of 30 days.*

26 (c) The amendments to this section made by Assembly Bill 348  
27 of the 2003–04 Regular Session shall not be construed to revise  
28 or expand the scope of practice of psychologists, as defined in  
29 Chapter 6.6 (commencing with Section 2900) of Division 2 of the  
30 Business and Professions Code.

31 *SEC. 2. Section 5270.55 of the Welfare and Institutions Code*  
32 *is amended to read:*

33 5270.55. (a) Whenever it is contemplated that a gravely  
34 disabled person may need to be detained beyond the end of the  
35 14-day period of intensive treatment and prior to proceeding with  
36 an additional 30-day certification, *or beyond the end of an initial*  
37 *30-day period of intensive treatment and prior to proceeding with*  
38 *a second consecutive 30-day certification*, the professional person  
39 in charge of the facility shall cause an evaluation to be made, based  
40 on the patient’s current condition and past history, as to whether

1 it appears that the person, even after up to 30 days of additional  
2 treatment, is likely to qualify for appointment of a conservator. If  
3 the appointment of a conservator appears likely, the  
4 conservatorship referral shall be made during the ~~14-day~~ *current*  
5 period of intensive treatment.

6 (b) If it appears that with up to 30 days additional treatment a  
7 person is likely to reconstitute sufficiently to obviate the need for  
8 appointment of a conservator, then the person may be certified for  
9 the additional 30 days.

10 (c) ~~Where no conservatorship referral has been~~ *When a*  
11 *conservatorship referral has not been* made during the 14-day  
12 period and ~~where it appears~~ *during the 30-day certification* ~~it~~  
13 ~~appears~~ that the person is likely to require the appointment of a  
14 conservator, *or when a conservatorship referral has not been made*  
15 *during the initial 30-day period and it appears during the second*  
16 *consecutive 30-day certification that the person is likely to require*  
17 *the appointment of a conservator*, then the conservatorship referral  
18 shall be made to allow sufficient time for conservatorship  
19 investigation and other related procedures. If a temporary  
20 conservatorship is obtained, it shall run concurrently with and not  
21 consecutively to the 30-day certification period. The  
22 conservatorship hearing shall be held by the 30th day of the  
23 certification period. The maximum involuntary detention period  
24 for gravely disabled persons pursuant to Sections 5150, 5250 and  
25 5270.15 shall be limited to ~~47~~ 77 days. ~~Nothing in this section~~  
26 ~~shall~~ *This section does not* prevent a person from exercising his  
27 ~~or her~~ *their* right to a hearing as stated in Sections 5275 and 5353.

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**All matter omitted in this version of the bill  
appears in the bill as introduced in the  
Senate, February 17, 2022. (JR11)**