

SAN FRANCISCO

Housing Conservatorship





Overview

Housing Conservatorship is designed to help individuals who:

- Cycle in and out of crisis;
- Are incapable of caring for health and well-being;
- Have refused multiple offers of voluntary services; and
- Are not eligible for other existing programs such as Assisted Outpatient Treatment (AOT) and LPS conservatorship.



Overview

Housing Conservatorship Criteria includes:

- Be diagnosed with a serious mental illness and substance use disorder; and
- Have functional impairments or a psychiatric history demonstrating that without treatment, it is more likely than not that the person will decompensate to functional impairment in the near future; and
- Be incapable of caring for their own health and well-being; and
- Have eight or more 5150 detentions in a 12-month period; and
- Have been provided with opportunities to engage in voluntary treatment.



Housing Conservatorship Implementation

Steps Taken

- Legislation
 - September 2018: SB1045 signed by Governor
 - June 2019: SB1045 adopted by San Francisco Board of Supervisors
 - October 2019: SB40 signed by Governor
 - June 2020: Forms finalized with court
- Continued collaboration across partners, including extensive training to providers
- Active engagement and outreach for individuals
- Providing notice to individuals with 5+ 5150 WIC holds



Housing Conservatorship Implementation

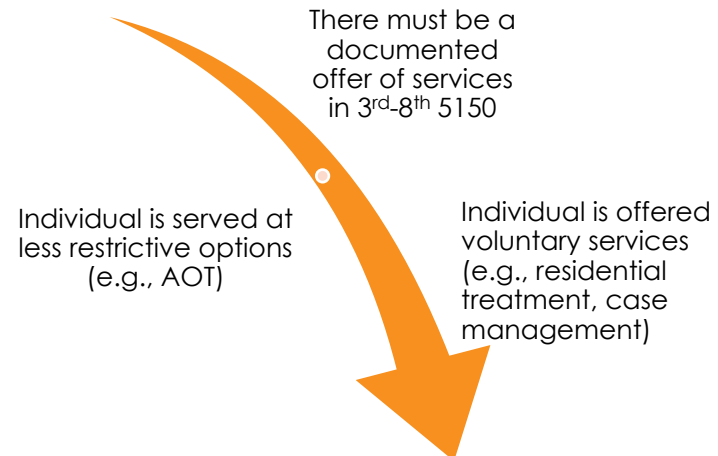
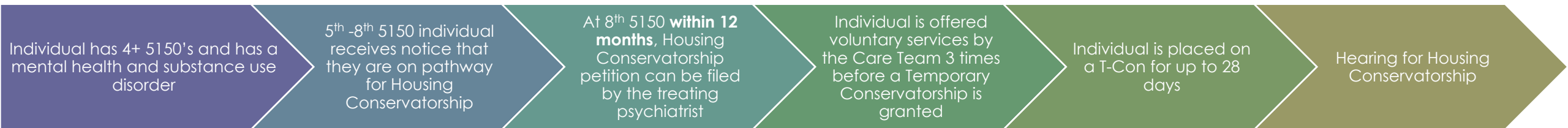
As of 1/31/21:





Housing Conservatorship Implementation

- Mental Health San Francisco- increased placement options to enhance overall system
- Goal of engaging individuals in voluntary and less restrictive treatment options (e.g., case management, Assisted Outpatient Treatment)





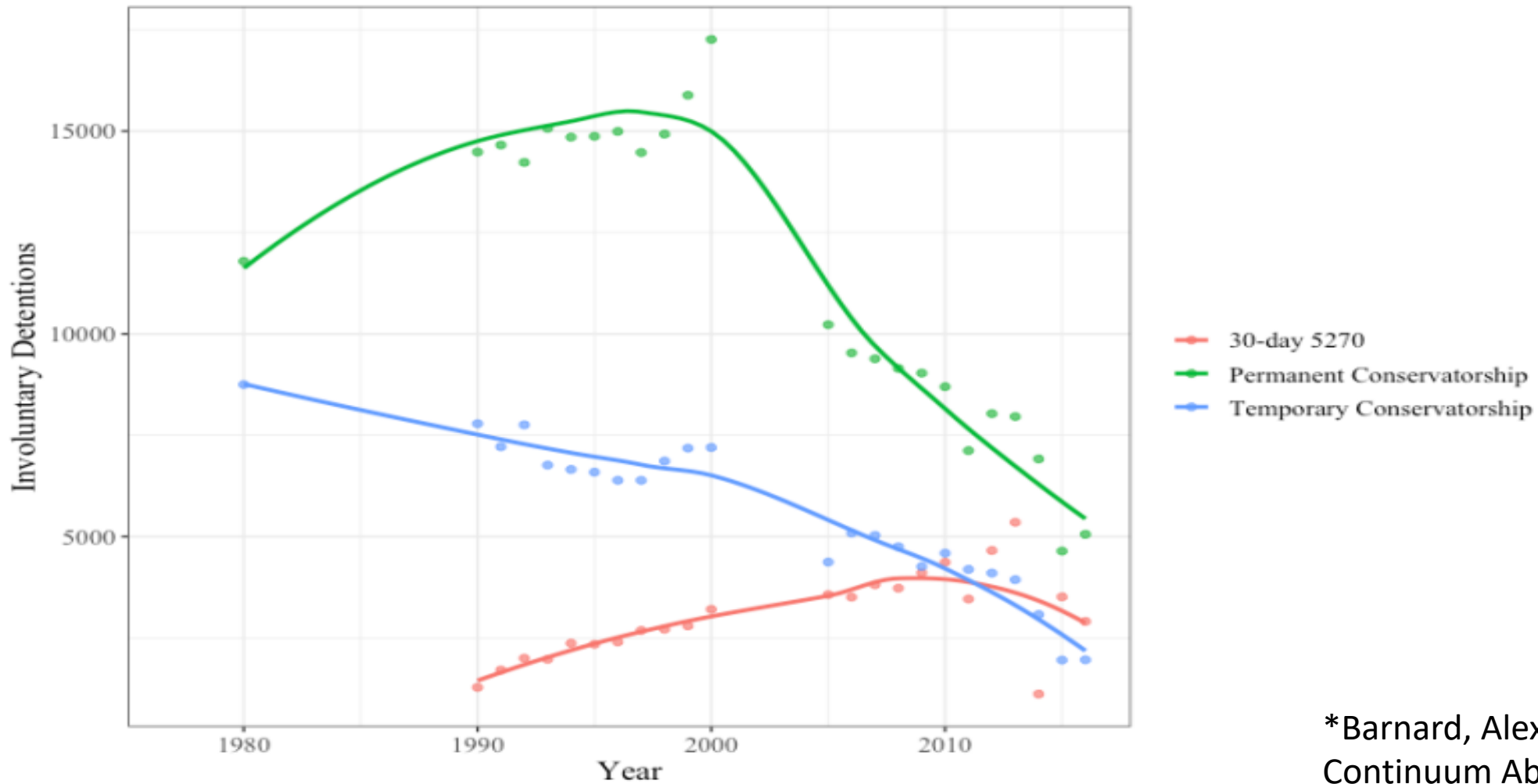
Implementation Challenges

- **Eligibility criteria is very narrow**
 - 8 Documented 5150s within 12 months
 - SMI and Substance Use Disorder
- **Noticing requirements are excessive**
 - Intent to Conserve notices must be provided at 5th, 6th, 7th, 8th 5150s
 - 9 Documented offers of Voluntary Services
- **COVID-19 challenges**
 - Hospitals are stretched thin
 - BHS staff are not able to assist hospital staff with noticing requirements due to visitor restrictions
 - Hospital psychiatrists struggle to complete the lengthy application
- **Future challenges – Contested cases**
 - City Attorney believes future contested cases would be lengthy and complex



Conservatorships Have Been Declining in California*

Figure 2: Involuntary Longer-Term Psychiatric Detentions in California - 1980-2016



Source: California Inv. Det. Reports

*Barnard, Alex "CA Conservatorship Continuum Absent Authority", 2021



Conservatorship Innovations: Outpatient LPS Referral

What is it?

- LPS Conservatorships that are initiated while the individual is in the community instead of an acute care setting
- Outpatient Psychiatrists **refer directly** to the Public Conservator and the individual does not need to be on an involuntary hold at the time of the referral
- Eligibility is still based on **grave disability** –the inability to provide for one’s food, clothing, and shelter as a result of serious mental illness or chronic alcoholism
- Psychiatrists may only refer clients who do not need to be hospitalized in order to determine their grave disability

“(b) the professional person or another professional person designated by him or her has determined that future examination on an inpatient basis is not necessary for a determination that the person is gravely disabled” WIC 5352

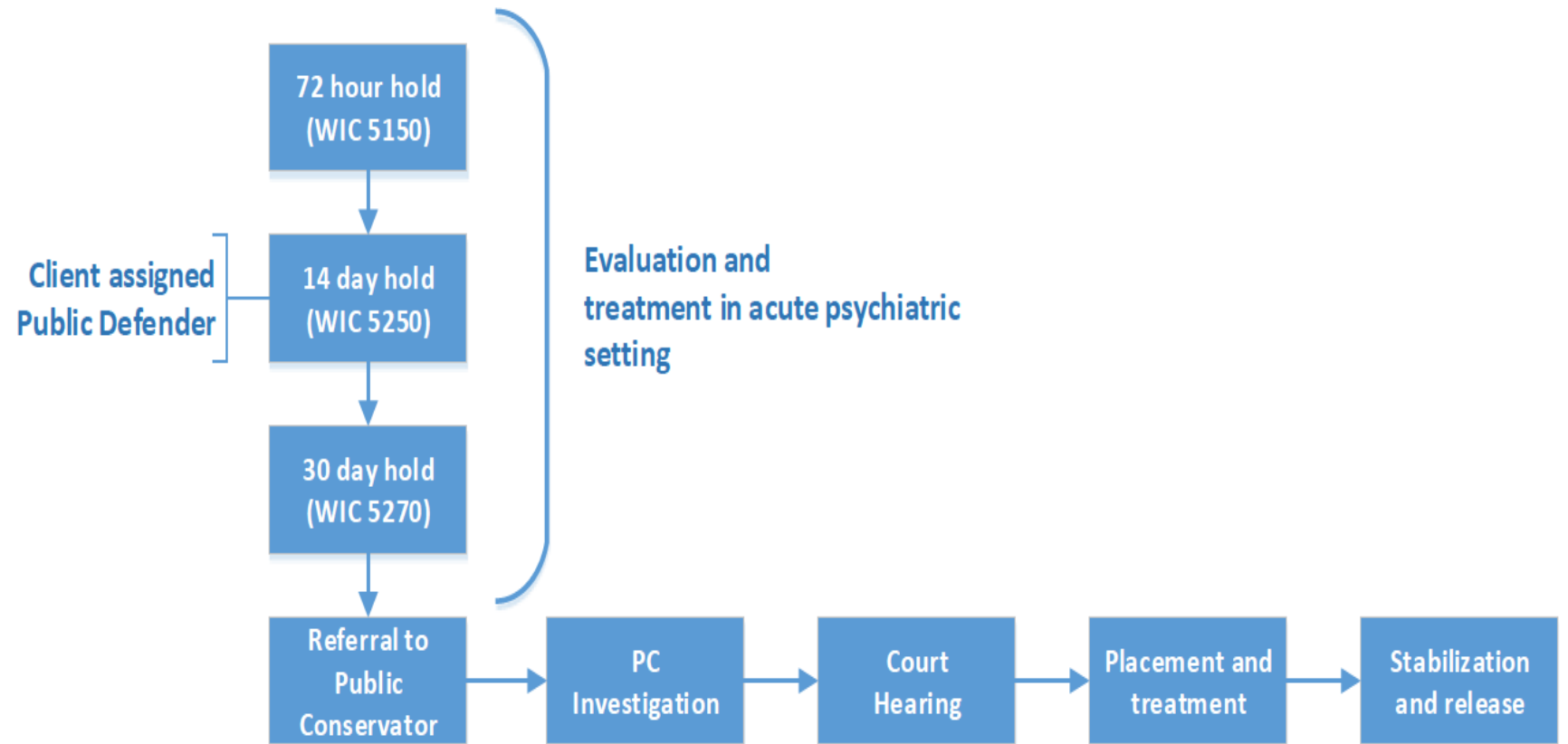


Outpatient LPS Referral Continued

What are the benefits of the Outpatient Referral pathway?

- Referral pathway towards conservatorship that is not reliant on short-term involuntary holds in acute care
- Helps hospitals to maintain open beds, while ensuring the least restrictive setting for individuals with serious mental illness

Traditional LPS Referral Process





Outpatient LPS Referral Continued

Why now and not earlier?

- The Public Conservator successfully utilized the referral process with 6 clients between 2018-2020; All had access to housing and case management
- Counties historically have rarely utilized this provision of the LPS Act
- Typically it has been used for family members who are seeking to conserve loved ones
- Utilizing the outpatient referral pathway requires all systems (HSH, DPH, PC, Public Defender, Courts) to work through logistical and legal hurdles
- The implementation process for the Housing Conservatorship program has prepared SF to leverage this provision of the LPS Act
- SF is ready to follow LA County's pilot program that was launched over the summer



Outpatient LPS Referral Continued

Has SF started to pilot this?

- Since January 1, the PC has conserved 10 individuals; All have access to housing and intensive case management
- Public Conservator is collaborating with Department of Public Health Behavioral Health Services to identify appropriate individuals
- Appropriate clients are Individuals with serious mental illness who are gravely disabled, **but not in imminent danger**
- Focusing first on individuals who are housed has allowed the stakeholders to work through systems issues



Outpatient LPS Referral Continued

What will the pilot look like moving forward?

- SF will follow LA County's lead and leverage this provision of the LPS Act to assist clients who are unhoused
- Continue to collaborate with DPH, HSH, City Attorney, Public Defender and Courts to refine this referral pathway
- Continue outreach and education to outpatient clinical providers about pathway
- Evaluate the model and determine if it is an effective practice



Future Outlook for Conservatorship Programs

DPH Behavioral Health Services and Public Conservator will:

- Continue to build on their strong collaboration at the client and policy level
- Prioritize the identification of appropriate clients to be served through the Housing Conservatorship program and the Outpatient LPS Referral pathway
- Carry out on-going outreach and training activities with providers and stakeholders to promote referrals
- Continue to focus on growing community-based conservatorships and supporting individuals in the least restrictive setting possible