

AMENDED IN SENATE APRIL 4, 2013

SENATE BILL

No. 364

Introduced by Senator Steinberg

February 20, 2013

An act to amend Sections ~~5001 and~~ 5001, 5008, 5150, and 5151 of, and to add Sections ~~5001.5 and~~ 5013 and 5121 to, and to repeal Sections 5150.3, 5156, and 5157 of, the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 364, as amended, Steinberg. Mental health.

Existing law, the Lanterman-Petris-Short Act, provides for the involuntary commitment and treatment of persons with specified mental disorders and for the protection of the persons so committed. Existing law states the intent of the Legislature, with regard to this act, including to end inappropriate, indefinite, and involuntary commitment of mentally disordered persons, developmentally disabled persons, and persons impaired by chronic alcoholism, and to eliminate legal disabilities and to protect mentally disordered persons and developmentally disabled persons.

This bill would state the intent of the Legislature, additionally, to ~~ensure equal~~ *provide consistent standards for protection for all of the personal rights of* persons who are subject to involuntary detention and to provide services in the least restrictive setting ~~consistent with~~ *appropriate to* the needs ~~and stability~~ of the person, as well as making technical changes. ~~The bill would require counties to ensure that persons with severe mental illness who are on custodial hold receive prompt assessment, evaluation, and treatment, regardless of insurance status, economic status, or ability to pay for treatment.~~

This bill would ~~require~~ *encourage* each county mental health department to post on its Internet Web site a current list, to be updated at ~~least~~ *least* annually, of ambulatory services and other resources for persons with ~~severe mental illness~~ *health disorders* and substance ~~use~~ *abuse* in the county that may be accessed by providers and consumers of mental health services. ~~By imposing these additional requirements on counties, this bill would impose a state-mandated local program.~~

Under existing law, when a person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, he or she may, upon probable cause, be taken into custody by a peace officer, member of the attending staff of an evaluation facility, designated members of a mobile crisis team, or other designated professional person, and placed in a facility designated by the county and approved by the State Department of Social Services as a facility for 72-hour treatment and evaluation. Existing law specifies advisements that are to be given to the person prior to involuntary commitment.

This bill would authorize a county health director to develop procedures for the county's designation and training of professionals who will be designated to perform functions relating to the 72-hour treatment and evaluation. The bill would require the facilities for 72-hour treatment and evaluation to be licensed or certified as mental health treatment facilities by the State Department of Health Care Services or the State Department of Public Health. The bill would also authorize a professional person in charge of an evaluation facility to take custody of a person for this purpose, but would remove that ability for a designated member of a mobile crisis team. The bill would make prescribed changes to the advisements given when the person is taken into custody and when the person is admitted to the facility.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 5001 of the Welfare and Institutions Code
2 is amended to read:

3 5001. The provisions of this part shall be construed to promote
4 the legislative intent as follows:

5 (a) To end the inappropriate, indefinite, and involuntary
6 commitment of persons with severe mental ~~illness~~ *health disorders*,
7 developmental disabilities, and chronic alcoholism, and to eliminate
8 legal disabilities.

9 (b) To provide prompt evaluation and treatment of persons with
10 ~~severe mental illness~~ *health disorders* or impaired by chronic
11 alcoholism.

12 (c) To guarantee and protect public safety.

13 (d) To safeguard individual rights through judicial review.

14 (e) To provide individualized treatment, supervision, and
15 placement services by a conservatorship program for *persons who*
16 *are gravely disabled* ~~persons~~.

17 (f) To encourage the full use of all existing agencies,
18 professional personnel, and public funds to accomplish these
19 objectives and to prevent duplication of services and unnecessary
20 expenditures.

21 (g) To protect persons with ~~severe mental illness~~ *health*
22 *disorders* and developmental disabilities from criminal acts.

23 (h) *To provide consistent standards for protection of the*
24 *personal rights of persons receiving services under this part and*
25 *under Part 1.5 (commencing with Section 5585).*

26 (i) *To provide services in the least restrictive setting appropriate*
27 *to the needs of each person receiving services under this part and*
28 *under Part 1.5 (commencing with Section 5585).*

29 ~~(h) To promote consistent statewide application of this part in~~
30 ~~order to ensure equal protection for all persons who are subject to~~
31 ~~involuntary detention, including preadmission assessment and~~
32 ~~evaluation and treatment pursuant to this part.~~

33 ~~(i) To provide services in the least restrictive setting consistent~~
34 ~~with the needs and stability of the persons subject to this part.~~

35 SEC. 2. ~~Section 5001.5 is added to the Welfare and Institutions~~
36 ~~Code, to read:~~

37 5001.5. ~~In furtherance of subdivision (b) of Section 5001, each~~
38 ~~county shall have the responsibility, in accordance with this part,~~

1 to ensure that all persons with severe mental illness who are on a
2 custodial hold receive prompt assessment, evaluation, and
3 treatment, regardless of insurance status, economic status, or ability
4 to pay for services.

5 ~~SEC. 3.~~

6 *SEC. 2.* Section 5008 of the Welfare and Institutions Code is
7 amended to read:

8 5008. Unless the context otherwise requires, the following
9 definitions shall govern the construction of this part:

10 (a) “Evaluation” consists of multidisciplinary professional
11 analyses of a person’s medical, psychological, educational, social,
12 financial, and legal conditions as may appear to constitute a
13 problem. Persons providing evaluation services shall be properly
14 qualified professionals and may be full-time employees of an
15 agency providing *face to face or telehealth* evaluation services or
16 may be part-time employees or may be employed on a contractual
17 basis.

18 (b) “Court-ordered evaluation” means an evaluation ordered by
19 a superior court pursuant to Article 2 (commencing with Section
20 5200) or by a court pursuant to Article 3 (commencing with Section
21 5225) of Chapter 2.

22 (c) “Intensive treatment” consists of such hospital and other
23 services as may be indicated. Intensive treatment shall be provided
24 by properly qualified professionals and carried out in facilities
25 qualifying for reimbursement under the California Medical
26 Assistance Program (Medi-Cal) set forth in Chapter 7 (commencing
27 with Section 14000) of Part 3 of Division 9, or under Title XVIII
28 of the federal Social Security Act and regulations thereunder.
29 Intensive treatment may be provided in hospitals of the United
30 States government by properly qualified professionals. Nothing
31 in this part shall be construed to prohibit an intensive treatment
32 facility from also providing 72-hour treatment and evaluation.

33 (d) “Referral” is referral of persons by each agency or facility
34 providing intensive treatment or evaluation services to other
35 agencies or individuals. The purpose of referral shall be to provide
36 for continuity of care, and may include, but need not be limited
37 to, informing the person of available services, making appointments
38 on the person’s behalf, discussing the person’s problem with the
39 facility, ~~provider, or other organization~~ *agency or individual* to
40 which the person has been referred, appraising the outcome of

1 referrals, and arranging for personal escort and transportation when
2 necessary. Referral shall be considered complete when the ~~facility,~~
3 ~~provider, or other organization~~ *agency or individual* to whom the
4 person has been referred accepts responsibility for providing the
5 necessary services. All persons shall be advised of available precare
6 services that prevent initial recourse to hospital treatment or
7 aftercare services that support adjustment to community living
8 following hospital treatment. These services may be provided
9 through county mental health departments, State Department of
10 State Hospitals, Short-Doyle programs, or other local agencies.

11 Each agency or facility providing evaluation services shall
12 maintain a current and comprehensive file of all community
13 services, both public and private. These files shall contain current
14 agreements with agencies or individuals accepting referrals, as
15 well as appraisals of the results of past referrals.

16 (e) “Crisis intervention” consists of an interview or series of
17 interviews within a brief period of time, conducted by qualified
18 professionals, and designed to alleviate personal or family
19 situations which present a serious and imminent threat to the health
20 or stability of the person or the family. The interview or interviews
21 may be conducted in the home of the person or family, or on an
22 inpatient or outpatient basis with such therapy, or other services,
23 as may be appropriate. *The interview or interviews may include*
24 *family members, significant support persons, providers, or other*
25 *entities or individuals, as appropriate and as authorized by law.*
26 Crisis intervention may, as appropriate, include suicide prevention,
27 psychiatric, welfare, psychological, legal, or other social services.

28 (f) “Prepetition screening” is a screening of all petitions for
29 court-ordered evaluation as provided in Article 2 (commencing
30 with Section 5200) of Chapter 2, consisting of a professional
31 review of all petitions; an interview with the petitioner and,
32 whenever possible, the person alleged, as a result of *a mental health*
33 *disorder*, to be a danger to others, or to himself or herself, or to
34 be gravely disabled, to assess the problem and explain the petition;
35 when indicated, efforts to persuade the person to receive, on a
36 voluntary basis, comprehensive evaluation, crisis intervention,
37 referral, and other services specified in this part.

38 (g) “Conservatorship investigation” means investigation by an
39 agency appointed or designated by the governing body of cases in

1 which conservatorship is recommended pursuant to Chapter 3
2 (commencing with Section 5350).

3 (h) (1) For purposes of Article 1 (commencing with Section
4 5150), Article 2 (commencing with Section 5200), and Article 4
5 (commencing with Section 5250) of Chapter 2, and for the purposes
6 of Chapter 3 (commencing with Section 5350), “gravely disabled”
7 means either of the following:

8 (A) A condition in which a person, as a result of a mental *health*
9 disorder, is unable to provide for his or her basic personal needs
10 for food, clothing, or shelter.

11 (B) A condition in which a person, has been found mentally
12 incompetent under Section 1370 of the Penal Code and all of the
13 following facts exist:

14 (i) The indictment or information pending against the ~~defendant~~
15 *person* at the time of commitment charges a felony involving
16 death, great bodily harm, or a serious threat to the physical
17 well-being of another person.

18 (ii) The indictment or information has not been dismissed.

19 (iii) As a result of *a* mental *health* disorder, the person is unable
20 to understand the nature and purpose of the proceedings taken
21 against him or her and to assist counsel in the conduct of his or
22 her defense in a rational manner.

23 (2) For purposes of Article 3 (commencing with Section 5225)
24 and Article 4 (commencing with Section 5250), of Chapter 2, and
25 for the purposes of Chapter 3 (commencing with Section 5350),
26 “gravely disabled” means a condition in which a person, as a result
27 of impairment by chronic alcoholism, is unable to provide for his
28 or her basic personal needs for food, clothing, or shelter.

29 (3) The term “gravely disabled” does not include ~~mentally~~
30 ~~retarded~~ persons *with intellectual disabilities* by reason of ~~being~~
31 ~~mentally retarded~~ *that disability* alone.

32 (i) “Peace officer” means a duly sworn peace officer as that
33 term is defined in Chapter 4.5 (commencing with Section 830) of
34 Title 3 of Part 2 of the Penal Code who has completed the basic
35 training course established by the Commission on Peace Officer
36 Standards and Training, or any parole officer or probation officer
37 specified in Section 830.5 of the Penal Code when acting in relation
38 to cases for which he or she has a legally mandated responsibility.

1 (j) “Postcertification treatment” means an additional period of
2 treatment pursuant to Article 6 (commencing with Section 5300)
3 of Chapter 2.

4 (k) “Court,” unless otherwise specified, means a court of record.

5 (l) “Antipsychotic medication” means any medication
6 customarily prescribed for the treatment of symptoms of psychoses
7 and other severe mental and emotional disorders.

8 (m) “Emergency” means a situation in which action to impose
9 treatment over the person’s objection is immediately necessary
10 for the preservation of life or the prevention of serious bodily harm
11 to the patient or others, and it is impracticable to first gain consent.
12 It is not necessary for harm to take place or become unavoidable
13 prior to treatment.

14 ~~SEC. 4.~~

15 *SEC. 3.* Section 5013 is added to the Welfare and Institutions
16 Code, to read:

17 5013. (a) It is the intent of the Legislature that referrals
18 between facilities, providers, and other organizations shall be
19 facilitated by the sharing of information and records in accordance
20 with Section 5328 and applicable federal and state laws.

21 (b) Each county mental health department’s Internet Web site
22 ~~shall~~ *is encouraged* to include a current list of ambulatory services
23 and other resources for persons with ~~severe mental illness~~ *health*
24 *disorders* and substance ~~use~~ *abuse* in the county that may be
25 accessed by providers and consumers of mental health services.
26 The list of services on the Internet Web site ~~shall~~ *should* be updated
27 at least annually by the county.

28 *SEC. 4.* Section 5121 is added to the Welfare and Institutions
29 Code, to read:

30 5121. *The county mental health director may develop*
31 *procedures for the county’s designation and training of*
32 *professionals who will be designated to perform functions under*
33 *Section 5150. These procedures may include, but are not limited*
34 *to, the following:*

35 (a) *The license types, practice disciplines, and clinical*
36 *experience of professionals eligible to be designated by the county.*

37 (b) *The initial and ongoing training and testing requirements*
38 *for professionals eligible to be designated by the county.*

39 (c) *The application and approval processes for professionals*
40 *seeking to be designated by the county, including the timeframe*

1 *for initial designation and procedures for renewal of the*
2 *designation.*

3 *(d) The county's process for monitoring and reviewing*
4 *professionals designated by the county to ensure appropriate*
5 *compliance with state law, regulations, and county procedures.*

6 *SEC. 5. Section 5150 of the Welfare and Institutions Code is*
7 *amended to read:*

8 *5150. (a) When any a person, as a result of a mental health*
9 *disorder, is a danger to others, or to himself or herself, or gravely*
10 *disabled, a peace officer, professional person in charge of an*
11 *evaluation facility designated by the county, member of the*
12 *attending staff, as defined by regulation, of an evaluation facility*
13 *designated by the county, ~~designated members of a mobile crisis~~*
14 *team ~~provided by Section 5651.7, or other professional person~~*
15 *designated by the county may, upon probable cause, take, or cause*
16 *to be taken, the person into custody and for assessment, evaluation,*
17 *and crisis intervention, or place him or her in a facility designated*
18 *by the county and approved as a facility for evaluation and*
19 *treatment. These facilities shall be licensed or certified as mental*
20 *health treatment facilities by the State Department of Social*
21 *Services as a facility for 72-hour treatment and evaluation Health*
22 *Care Services or the State Department of Public Health.*
23 *Assessment, as defined in Section 5150.4, and evaluation and crisis*
24 *intervention, as defined in subdivisions (a) and (e) of Section 5008,*
25 *may be provided by a professional person in charge of an*
26 *evaluation facility designated by the county, or by a professional*
27 *person designated by the county.*

28 *(b) If in the judgment of the professional person designated by*
29 *the county or professional person in charge of the facility*
30 *designated by the county providing evaluation and treatment, or*
31 *his or her designee, the person can be properly served without*
32 *being detained, he or she shall be provided evaluation, crisis*
33 *intervention, or other inpatient or outpatient services on a*
34 *voluntary basis. Nothing in this subdivision shall be interpreted*
35 *to prevent a peace officer from delivering individuals to a*
36 *designated facility for assessment under this section. Furthermore,*
37 *the assessment requirement of this section shall not be interpreted*
38 *to require peace officers to perform any additional duties other*
39 *than those specified in Sections 5150.1 and 5150.2.*

1 (c) Whenever a person is evaluated by a professional person
2 designated by the county or a professional person in charge of a
3 facility designated by the county and is found to be in need of
4 mental health services, but is not admitted to the facility, all
5 available alternative services provided for pursuant to Section
6 5151 shall be offered as determined by the county mental health
7 director.

8 ~~The~~

9 (d) If, in the judgment of the peace officer, member of the
10 attending staff, the professional person designated by the county,
11 or the professional person in charge of a designated facility, the
12 person cannot be properly served without being detained, the
13 facility shall require an application in writing stating the
14 circumstances under which the person's condition was called to
15 the attention of the peace officer, member of the attending staff,
16 or professional person, and stating that the peace officer, member
17 of the attending staff, or professional person has probable cause
18 to believe that the person is, as a result of a mental health disorder,
19 a danger to others, or to himself or herself, or gravely disabled. If
20 the probable cause is based on the statement of a person other than
21 the peace officer, member of the attending staff, or professional
22 person, the identity of the person and portions of the person's
23 statement relevant to the determination of probable cause shall
24 be documented in the application and the person giving the
25 statement shall be liable in a civil action for intentionally giving
26 a statement which he or she knows to be false. A copy of the
27 application shall be provided to the person being detained.

28 (e) At the time a person is taken into custody for evaluation, or
29 within a reasonable time thereafter, unless a responsible relative
30 or the guardian or conservator of the person is in possession of
31 the person's personal property, the person taking him or her into
32 custody shall take reasonable precautions to preserve and
33 safeguard the personal property in the possession of or on the
34 premises occupied by the person. The person taking him or her
35 into custody shall then furnish to the court a report generally
36 describing the person's property so preserved and safeguarded
37 and its disposition, in substantially the form set forth in Section
38 5211, except that if a responsible relative or the guardian or
39 conservator of the person is in possession of the person's property,
40 the report shall include only the name of the relative or guardian

1 or conservator and the location of the property, whereupon
2 responsibility of the person taking him or her into custody for that
3 property shall terminate. As used in this section, “responsible
4 relative” includes the spouse, parent, adult child, domestic partner,
5 grandparent, grandchild, or adult brother or sister of the person,
6 except that it does not include the person who applied for the
7 petition under this article.

8 (f) (1) Each person, at the time he or she is first taken into
9 custody under this section, shall be provided, by the person who
10 takes him or her into custody, the following information orally in
11 a language or modality accessible to the person. If the person
12 cannot understand an oral advisement, the information shall be
13 provided in writing. The information shall be in substantially the
14 following form:

15
16
17 My name is _____ .
18 I am a _____ .
19 (peace officer/mental health professional)
20 with _____ .
21 (name of agency)

22 You are not under criminal arrest, but I am taking you for an examination by
23 mental health professionals at _____ .
24 _____
25 (name of facility)

26 You will be told your rights by the mental health staff.
27
28

29 (2) If taken into custody at his or her own residence, the person
30 shall also be provided the following information:
31

32 You may bring a few personal items with you, which I will have
33 to approve. Please inform me if you need assistance turning off
34 any appliance or water. You may make a phone call and leave a
35 note to tell your friends or family where you have been taken.
36

37
38 (3) If the advisement was not completed, the mental health
39 professional at the facility shall complete the advisement.

1 (g) *The designated facility shall keep, for each patient evaluated,*
2 *a record of the advisement given pursuant to subdivision (f) which*
3 *shall include all of the following:*

- 4 (1) *The name of the person detained for evaluation.*
- 5 (2) *The name and position of the peace officer or mental health*
6 *professional taking the person into custody.*
- 7 (3) *The date the advisement was completed.*
- 8 (4) *Whether the advisement was completed.*
- 9 (5) *The language or modality used to give the advisement.*
- 10 (6) *If the advisement was not completed, a statement of good*
11 *cause, as defined by regulations of the State Department of Social*
12 *Services.*

13 (h) (1) *Each person admitted to a designated facility for*
14 *evaluation and treatment shall be given the following information*
15 *by admission staff at the evaluation unit. The information shall be*
16 *given orally and in writing and in a language or modality*
17 *accessible to the person. The written information shall be available*
18 *to the person in English and in the language that is the person's*
19 *principal means of communication. Accommodations for other*
20 *disabilities that may impact communication shall also be made.*
21 *The information shall be in substantially the following form:*

22
23

24 *My name is _____.*

25 *My position here is _____.*

26 *You are being placed into the psychiatric unit because it is our professional*
27 *opinion that, as a result of a mental health disorder, you are likely to (check*
28 *applicable):*

- 29 *Harm yourself.*
- 30 *Harm someone else.*
- 31 *Be unable to take care of your own food, clothing, and housing needs.*

32 *We feel this is true because*

33 _____

34 *(list of the facts upon which the allegation of dangerous*
35 *or gravely disabled due to mental disorder is based, including pertinent*
36 *facts arising from the admission interview).*

37 *You will be held on the ward for a period up to 72 hours. During the 72*
38 *hours you may also be transferred to another facility. You may request to be*

1 treated at a facility of your choice. You will be given a choice of treatment
2 providers.

3 During these 72 hours you will be evaluated by the hospital staff, and you
4 may be given treatment, including medications. It is possible for you to be
5 released before the end of the 72 hours. But if the staff decides that you need
6 continued treatment you can be held for a longer period of time. If you are
7 held longer than 72 hours, you have the right to a lawyer and a qualified
8 interpreter and a hearing before a judge. If you are unable to pay for the
9 lawyer, then one will be provided to you free of charge.

10 If you have questions about your legal rights, you may contact the county
11 Patients' Rights Advocate at _____
12 (phone number for the county Patients' Rights
13 _____
14 Advocacy office)

17 (2) If the notice is given in a county where weekends and
18 holidays are excluded from the 72-hour period, the patient shall
19 also be given the following information:

21 The 72-hour period does not include weekends or holidays. Your 72-hour
22 period began _____
23 (date/time)

25 (3) If the advisement was not completed at admission, the
26 advisement process shall be continued on the ward until completed.

27 (i) For each patient admitted for 72-hour evaluation and
28 treatment, the facility shall keep with the patient's medical record
29 a record of the advisement given pursuant to subdivision (h), which
30 shall include all of the following:

- 31 (1) The name of the person performing the advisement.
- 32 (2) The date of the advisement.
- 33 (3) Whether the advisement was completed.
- 34 (4) The language or modality used to communicate the
35 advisement.
- 36 (5) If the advisement was not completed, a statement of good
37 cause.

38 SEC. 6. Section 5150.3 of the Welfare and Institutions Code
39 is repealed.

1 ~~5150.3. Whenever any person presented for evaluation at a~~
2 ~~facility designated under Section 5150 is found to be in need of~~
3 ~~mental health services, but is not admitted to the facility, all~~
4 ~~available alternative services provided for pursuant to Section 5151~~
5 ~~shall be offered as determined by the county mental health director.~~

6 *SEC. 7. Section 5151 of the Welfare and Institutions Code is*
7 *amended to read:*

8 5151. If the facility for 72-hour treatment and evaluation admits
9 the person, it may detain him or her for evaluation and treatment
10 for a period not to exceed 72 hours. Saturdays, Sundays, and
11 holidays may be excluded from the 72-hour period if the State
12 Department of ~~Social Health Care~~ *Health Care* Services certifies for each
13 facility that evaluation and treatment services cannot reasonably
14 be made available on those days. The certification by the
15 department is subject to renewal every two years. The department
16 shall adopt regulations defining criteria for determining whether
17 a facility can reasonably be expected to make evaluation and
18 treatment services available on Saturdays, Sundays, and holidays.

19 Prior to admitting a person to the facility for 72-hour treatment
20 and evaluation pursuant to Section 5150, the professional person
21 in charge of the facility or his or her designee shall assess the
22 individual in person to determine the appropriateness of the
23 involuntary detention.

24 ~~If in the judgment of the professional person in charge of the~~
25 ~~facility providing evaluation and treatment, or his or her designee,~~
26 ~~the person can be properly served without being detained, he or~~
27 ~~she shall be provided evaluation, crisis intervention, or other~~
28 ~~inpatient or outpatient services on a voluntary basis.~~

29 ~~Nothing in this section shall be interpreted to prevent a peace~~
30 ~~officer from delivering individuals to a designated facility for~~
31 ~~assessment under Section 5150. Furthermore, the preadmission~~
32 ~~assessment requirement of this section shall not be interpreted to~~
33 ~~require peace officers to perform any additional duties other than~~
34 ~~those specified in Sections 5150.1 and 5150.2.~~

35 *SEC. 8. Section 5156 of the Welfare and Institutions Code is*
36 *repealed.*

37 ~~5156. At the time a person is taken into custody for evaluation,~~
38 ~~or within a reasonable time thereafter, unless a responsible relative~~
39 ~~or the guardian or conservator of the person is in possession of the~~
40 ~~person's personal property, the person taking him into custody~~

1 shall take reasonable precautions to preserve and safeguard the
 2 personal property in the possession of or on the premises occupied
 3 by the person. The person taking him into custody shall then furnish
 4 to the court a report generally describing the person’s property so
 5 preserved and safeguarded and its disposition, in substantially the
 6 form set forth in Section 5211; except that if a responsible relative
 7 or the guardian or conservator of the person is in possession of the
 8 person’s property, the report shall include only the name of the
 9 relative or guardian or conservator and the location of the property,
 10 whereupon responsibility of the person taking him into custody
 11 for such property shall terminate.

12 As used in this section, “responsible relative” includes the
 13 spouse, parent, adult child, or adult brother or sister of the person,
 14 except that it does not include the person who applied for the
 15 petition under this article.

16 *SEC. 9. Section 5157 of the Welfare and Institutions Code is*
 17 *repealed.*

18 ~~5157. (a) Each person, at the time he or she is first taken into~~
 19 ~~e custody under provisions of Section 5150, shall be provided, by~~
 20 ~~the person who takes such other person into custody, the following~~
 21 ~~information orally. The information shall be in substantially the~~
 22 ~~following form:~~

23
 24 My name is _____.

25 I am a _____.

26 (peace officer, mental health professional)
 27 with _____.

28 (name of agency)
 29 You are not under criminal arrest, but I am taking you for examination by
 30 mental health professionals at _____.

31 _____.

32 (name of facility)
 33 You will be told your rights by the mental health staff.

34 —If taken into custody at his or her residence, the person shall also be told the
 35 following information in substantially the following form:

36 —You may bring a few personal items with you which I will have to approve.
 37 You can make a phone call and/or leave a note to tell your friends and/or family
 38 where you have been taken.

39

1 ~~(b) The designated facility shall keep, for each patient evaluated,~~
2 ~~a record of the advisement given pursuant to subdivision (a) which~~
3 ~~shall include:~~

- 4 ~~(1) Name of person detained for evaluation.~~
- 5 ~~(2) Name and position of peace officer or mental health~~
- 6 ~~professional taking person into custody.~~
- 7 ~~(3) Date.~~
- 8 ~~(4) Whether advisement was completed.~~
- 9 ~~(5) If not given or completed, the mental health professional at~~
- 10 ~~the facility shall either provide the information specified in~~
- 11 ~~subdivision (a), or include a statement of good cause, as defined~~
- 12 ~~by regulations of the State Department of Social Services, which~~
- 13 ~~shall be kept with the patient's medical record.~~

14 ~~(c) Each person admitted to a designated facility for 72-hour~~
15 ~~evaluation and treatment shall be given the following information~~
16 ~~by admission staff at the evaluation unit. The information shall be~~
17 ~~given orally and in writing and in a language or modality accessible~~
18 ~~to the person. The written information shall be available in the~~
19 ~~person's native language or the language which is the person's~~
20 ~~principal means of communication. The information shall be in~~
21 ~~substantially the following form:~~

22

23 My name is _____:

24 My position here is _____:

25 —You are being placed into the psychiatric unit because it is our professional

26 opinion that as a result of mental disorder, you are likely to:

27 —(check applicable)

28 —harm yourself _____

29 —harm someone else _____

30 —be unable to take care of your own

31 —food, clothing, and housing needs _____

32 We feel this is true because

33 _____

34 (herewith a listing of the facts upon which the allegation of dangerous

35 or gravely disabled due to mental disorder is based, including pertinent

36 facts arising from the admission interview.)

37 —You will be held on the ward for a period up to 72 hours.

38 —This does not include weekends or holidays.

39 Your 72-hour period will begin _____ -

40 (day and time.)

1 —During these 72 hours you will be evaluated by the hospital staff, and you
 2 may be given treatment, including medications. It is possible for you to be
 3 released before the end of the 72 hours. But if the staff decides that you need
 4 continued treatment you can be held for a longer period of time. If you are
 5 held longer than 72 hours you have the right to a lawyer and a qualified
 6 interpreter and a hearing before a judge. If you are unable to pay for the lawyer,
 7 then one will be provided free.

8
 9 ~~(d) For each patient admitted for 72-hour evaluation and~~
 10 ~~treatment, the facility shall keep with the patient’s medical record~~
 11 ~~a record of the advisement given pursuant to subdivision (c) which~~
 12 ~~shall include:~~

- 13 ~~(1) Name of person performing advisement.~~
- 14 ~~(2) Date.~~
- 15 ~~(3) Whether advisement was completed.~~
- 16 ~~(4) If not completed, a statement of good cause.~~

17 ~~If the advisement was not completed at admission, the~~
 18 ~~advisement process shall be continued on the ward until completed.~~
 19 ~~A record of the matters prescribed by subdivisions (a), (b), and (c)~~
 20 ~~shall be kept with the patient’s medical record.~~

21 ~~SEC. 5.~~

22 *SEC. 10.* If the Commission on State Mandates determines that
 23 this act contains costs mandated by the state, reimbursement to
 24 local agencies and school districts for those costs shall be made
 25 pursuant to Part 7 (commencing with Section 17500) of Division
 26 4 of Title 2 of the Government Code.