

Theris' Law

A Compassionate Care Pathway for Families Facing Mental Illness & Addiction Crises

Proposed by: BADD (Brothers Against Drug Deaths)

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Executive Summary

Theris' Law is a targeted, public health–driven legislative initiative designed to empower families to intervene when a loved one is incapacitated by co-occurring mental illness and substance use. Inspired by the tragic death of Theris Lee Coats II in San Francisco County Jail in March 2025, the law seeks to prevent similar crises by enabling families to access limited medical information and petition for short-term conservatorship.

Theris' Law prioritizes **saving lives, protecting patient rights, and supporting families** while maintaining strict safeguards, medical oversight, and judicial review. This state-level approach offers a pilot pathway for compassionate intervention, rather than broad federal HIPAA reform.

Problem Statement

Current federal HIPAA protections prevent families from accessing life-saving information or intervening, even in extreme emergencies. This leaves individuals with mental illness and substance use disorders at risk of:

- Untreated addiction and psychiatric crises
- Repeated incarceration and hospitalizations
- Preventable death

Families, particularly in Black and Brown communities, are powerless to act despite intimate knowledge of their loved one's history, medications, and risk factors. These systemic failures perpetuate cycles of harm, tragedy, and lost lives.

Objectives

Theris' Law seeks to:

1. **Save Lives** – Enable earlier intervention when an individual is severely impaired.
2. **Support Families** – Provide pathways for loved ones currently blocked by HIPAA restrictions.
3. **Protect Patient Rights** – Ensure all actions are reviewed by medical professionals and courts with due process.
4. **Reduce System Burdens** – Decrease unnecessary emergency room visits, jail intake, and crisis response strain.

Proposed Solution

Theris' Law establishes a **narrow, compassionate legal pathway** for families:

Step 1: Medical Certification & Limited Disclosure

- A licensed clinician certifies that an individual lacks decision-making capacity due to co-occurring disorders.
- A designated family member (parent, guardian, or adult sibling) is granted **limited, time-bound access** to medical information to initiate help.

Safeguards include:

- No full disclosure of records
- Requirement of caregiving history or legal connection
- Standardized forms and professional review

Step 2: Judicial Review for Short-Term Conservatorship

- Families may petition for a **7–30-day, crisis-specific conservatorship**.
- Court review includes:
 - Independent second medical opinion
 - Notification to the individual
 - Opportunity to challenge the petition
- Conservatorship is approved only if evidence shows incapacity and risk of harm

Patient Rights Protections

- Notification of rights at every step
- Access to legal representation and advocacy
- Automatic reassessment timelines (5–10 days)
- Immediate judicial appeal rights

Implementation & Pilot Strategy

- **Target Population:** Individuals experiencing fentanyl-related or co-occurring mental health crises, including ER or jail encounters
 - **Pilot Scope:** Counties with high overdose rates and limited behavioral health access
 - **Framing:** Health-first intervention; last-resort tool, not punitive
 - **Metrics:** Reduction in overdoses, hospitalizations, jail intake, and family-reported barriers
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Legal & Legislative Considerations

- **HIPAA Alignment:** This initiative does not broadly amend HIPAA but creates **state-level carveouts** allowing family intervention during imminent risk, similar to:
 - Laura’s Law (CA) – Assisted outpatient treatment
 - CARE Court (CA) – Court-supervised care for severe mental illness
 - Kevin’s Law (MI) – Court-ordered emergency treatment for mental illness
 - **Legislative Pathway:**
 1. Introduce Theris’ Law as a county or state pilot
 2. Tie pilot to public safety, mental health, or addiction recovery funding (e.g., CalAIM, CARE Court)
 3. Convene expert working groups with civil rights, behavioral health, and family advocacy representation
 4. If successful, expand for federal consideration and HIPAA-compatible carveouts
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Partners & Stakeholders

- Local hospitals, psychiatric emergency departments
 - Public defenders and family courts
 - Behavioral health and substance use disorder providers
 - Civil liberties and disability law experts
 - Families and community advocacy groups
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Strategic Recommendations

1. Pilot narrowly – start with post-ER or jail crises involving fentanyl or co-occurring disorders
 2. Engage civil liberties advocates early to ensure rights protections
 3. Emphasize **care over control**; focus on health-first language
 4. Use standardized public health metrics for evaluation
 5. Maintain strict time limits, judicial oversight, and medical certification
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Call to Action

BADD seeks support from:

- **Legislative sponsors** (state & county)
 - **Mental health providers & certifying physicians**
 - **Civil rights and health law experts**
 - **Families with lived experience and testimonies**
 - **Funding for legal, pilot, and evaluation development**
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Contact

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Available for meetings, presentations, and consultations

Appendix: Comparative Fact Sheet – Mental Health Intervention Laws

Law	Purpose	Mechanism	Eligibility	Enforcement
Laura’s Law (CA)	Assisted outpatient treatment for severe mental illness	Court-ordered outpatient care	Adults with history of hospitalization/violence	County-based implementation
CARE Court (CA)	Court-supervised care for untreated schizophrenia	Court creates treatment plan	Individuals with schizophrenia or psychotic disorders	Implementation began 2023; statewide by 2025
Kevin’s Law (MI)	Court-ordered treatment to prevent harm	Family or court petition for mandatory outpatient care	Adults with mental illness who may harm self/others	Statewide in Michigan
Theris’ Law (Proposed – CA)	Family access to medical info & short-term conservatorship	Petition process reviewed by licensed clinicians and courts	Family-identified individuals with co-occurring addiction & mental illness in imminent risk	City, county, or state adoption pending