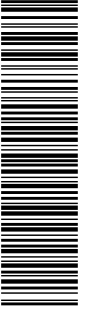


An act to add and repeal Part 3.5 (commencing with Section 5836) of Division 5 of the Welfare and Institutions Code, relating to mental health.

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Part 3.5 (commencing with Section 5836) is added to Division 5 of the Welfare and Institutions Code, to read:

PART 3.5. THERIS' LAW PILOT PROGRAM

5836. This act shall be known, and may be cited, as Theris' Law.

5836.1. The Legislature finds and declares all of the following:

(a) Thousands of Californians living with untreated co-occurring mental illness and substance use disorders experience repeated cycles of incarceration, hospitalization, and homelessness.

(b) Federal privacy laws, including the Health Insurance Portability and Accountability Act (HIPAA), while critical to patient rights, can unintentionally prevent families from accessing limited medical information needed to intervene during life-threatening crises.

(c) Families are often the first to recognize signs of psychiatric decompensation or drug-induced incapacity, but lack lawful avenues to assist their loved ones.

(d) The purpose of this act is to establish a state-level compassionate intervention pilot program that allows limited, time-bound family participation in crisis stabilization when an individual is deemed incapacitated by co-occurring disorders and to create a compassionate care pathway for families facing mental illness and addiction crises.

(e) This act is designed to complement, not replace, existing programs such as Laura's Law and the CARE Act, by filling the gap for short-term emergency intervention and family coordination.

5836.2. For the purposes of this article, the following definitions apply:

(a) "Crisis-specific conservatorship" refers to a short-term, court-approved conservatorship that does not exceed 30 days, focusing on medical and stabilization decisions.

(b) "Decisional capacity" means being capable of making life-saving medical decisions.

(c) "Designated family member" means a parent, guardian, or adult sibling with a verifiable caregiving relationship.

(d) "Individual" means a person 18 years of age or older who is experiencing co-occurring mental illness and substance use disorder and who lacks decisional capacity as certified by a licensed clinician.

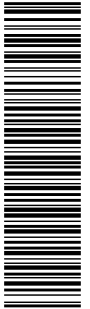
(e) "Licensed clinician" includes psychiatrists, clinical psychologists, or other qualified mental health professionals as defined under state law.

(f) "Limited disclosure authorization" means temporary access to medical information necessary to facilitate treatment or safety planning.

5836.3. The State Department of Health Care Services shall establish the Theris' Law Pilot Program in up to three counties with high overdose mortalities and behavioral health disparities. The program shall do all of the following:

(a) Collect data on overdose prevention, hospital utilization, and family satisfaction.

(b) Coordinate with CARE court, public defenders' offices, and community health clinics, to let individuals know where to receive services and help.



(c) Produce an annual report to the Legislature and the California Health and Human Services Agency on the effectiveness of the program.

5836.4. In counties participating in the pilot program, a designated family member may do all of the following:

(a) Apply for a limited disclosure authorization for an individual lacking decisional capacity, as certified by a licensed clinician. The authorization shall permit the disclosure of essential treatment information necessary to initiate or coordinate care, subject to the following safeguards:

- (1) The authorization for disclosure shall not exceed 10 days.
- (2) The disclosure shall not include access to full medical records.
- (3) The disclosure shall be subject to professional review and documentation.

(b) (1) Petition the superior court in the county where the individual at risk is located for a crisis-specific conservatorship when both of the following conditions are met:

(A) The individual's incapacity and imminent risk of harm have been certified by two licensed clinicians.

(B) The individual has refused voluntary treatment or is unable to make informed decisions.

(2) Upon receiving a petition, the court shall do all of the following:

- (A) Notify the individual and appoint counsel or an advocate.
- (B) Review the petition within five court days.

(C) Limit the conservatorship to between 7 and 30 days, with a mandatory reassessment every 10 days.

(D) Require a discharge or transition plan developed by a treatment provider.

5836.5. (a) The individual shall be informed of all rights, including the right to challenge a petition.

(b) All proceedings shall be conducted in a manner that protects confidentiality and dignity, consistent with state and federal law.

(c) This pilot program shall not be used as a substitute for long-term conservatorships under the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000)).

5836.6. The pilot program shall be funded through existing behavioral health and public safety allocations, including California Advancing and Innovating Medi-Cal (CalAIM) Act innovation funding or local grants, with opportunities for public-private partnerships.

5836.7. This article shall remain in effect only until January 1, 2032, and as of that date is repealed.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: Theris' Law Pilot Program.

Existing law establishes the State Department of Health Care Services to administer and license various health-related programs and health professionals, including, among others, programs and professionals supporting mental health, providing basic health care, and addressing substance use disorder. Existing law requires the department to post certain information regarding these programs and professionals on its internet website, including reports and data regarding individuals served under its administered programs.

Existing law, the Lanterman-Petris-Short Act, among other provisions, authorizes a conservator of the person, of the estate, or of the person and the estate to be appointed for a person who is gravely disabled as a result of a mental health disorder or impairment by chronic alcoholism, as specified, in order to provide individualized treatment, supervision, and placement. Existing law authorizes a court to establish a temporary conservatorship for a period not to exceed 30 days and appoint a temporary conservator under specified circumstances.

This bill, until January 1, 2032, would establish the Theris' Law Pilot Program, to be administered by the department, in up to 3 counties with high overdose mortalities and behavioral health disparities. The bill would authorize a designated family member, as defined, to apply for a limited disclosure authorization for an individual lacking decisional capacity, as defined, to permit the disclosure of essential treatment information necessary to coordinate care. The bill would also authorize a designated family member to petition the court for a crisis-specific conservatorship, of between 7 and 30 days, when specified conditions have been met, including that the individual has refused voluntary treatment or is unable to make informed decisions. The bill would require the court, upon receiving a petition, to appoint counsel, notify the individual, and require a discharge or transition plan to be developed by a treatment provider, among other requirements.

The bill would require the program to collect data on specified statistics, coordinate with CARE court and community health clinics, and produce an annual report on the effectiveness of the program.

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

