

AMENDED IN ASSEMBLY JANUARY 6, 2014

AMENDED IN ASSEMBLY APRIL 1, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 987

Introduced by Assembly Member Maienschein

February 22, 2013

An act to ~~add Article 2.5 (commencing with Section 128300) of Chapter 4 of Part 3 of Division 107 of the Health and Safety Code, relating to health professions; amend Section 5352 of the Welfare and Institutions Code, relating to mental health.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 987, as amended, Maienschein. ~~Personal and Home Care Aide training program.~~ *Mental health: conservatorship hearings for the gravely disabled.*

Existing law provides a procedure for the appointment of a conservator for a person who is determined to be gravely disabled as a result of a mental disorder or an impairment by chronic alcoholism and requires an officer, including a county public guardian or a county mental health program, to conduct a conservatorship investigation. Under existing law, a professional person in charge of an agency providing comprehensive evaluation or a facility providing intensive treatment for a gravely disabled person may recommend a conservatorship for that person. Existing law requires the officer providing conservatorship investigation, when he or she concurs with the recommendation, to petition the superior court in the patient's county of residence for a conservatorship.

This bill would instead require the officer providing conservatorship investigation to petition the superior court for a conservatorship for a gravely disabled person whenever the professional person in charge of an agency providing comprehensive evaluation or a facility providing intensive treatment recommends conservatorship for a gravely disabled person. By expanding the duties of the county officer providing conservatorship investigation, this bill would impose a state-mandated local program.

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.

~~Existing law requires the Office of Statewide Health Planning and Development to prepare a Health Manpower Plan for California. Existing law also provides various programs to develop the health care workforce.~~

~~This bill would require the Secretary of State and Consumer Services to submit an application on behalf of the state to the federal Department of Health and Human Services to receive a 3-year grant to establish a Personal and Home Care Aide training program, as specified, that would include opportunities for honorably discharged veterans in California.~~

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

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

- 1 SECTION 1. Section 5352 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 5352. (a) When the professional person in charge of an agency
- 4 providing comprehensive evaluation or a facility providing
- 5 intensive treatment determines that a person in his *or her* care is
- 6 gravely disabled as a result of mental disorder or impairment by
- 7 chronic alcoholism and is unwilling to accept, or incapable of
- 8 accepting, treatment voluntarily, he *or she* may recommend
- 9 conservatorship to the officer providing conservatorship
- 10 investigation of the *person's* county of residence ~~of the person~~

1 prior to ~~his admission~~ *admitting him or her* as a patient in ~~such the~~
2 facility.

3 ~~The~~

4 (b) *The* professional person in charge of an agency providing
5 comprehensive evaluation or a facility providing intensive
6 treatment may recommend conservatorship for a person without
7 the person being an inpatient in ~~such that~~ facility, if both of the
8 following conditions are met: ~~(a) the~~

9 (1) *The* professional person or another professional person
10 designated by him *or her* has examined and evaluated the person
11 and determined that he *or she* is gravely ~~disabled~~; ~~(b) the disabled.~~

12 (2) *The* professional person or another professional person
13 designated by him *or her* has determined that future examination
14 on an inpatient basis is not necessary for a determination that the
15 person is gravely disabled.

16 ~~If~~

17 (c) *If the professional person in charge of an agency providing*
18 *comprehensive evaluation of a facility providing intensive*
19 *treatment recommends conservatorship,* the officer providing
20 conservatorship investigation ~~concurs with the recommendation;~~
21 he shall petition the superior court in the *patient's* county of
22 residence ~~of the patient~~ to establish conservatorship.

23 ~~Where~~

24 (d) *Where* temporary conservatorship is indicated, the fact shall
25 be alternatively pleaded in the petition. The officer providing
26 conservatorship investigation or other county officer or employee
27 designated by the county shall act as the temporary conservator.

28 *SEC. 2. If the Commission on State Mandates determines that*
29 *this act contains costs mandated by the state, reimbursement to*
30 *local agencies and school districts for those costs shall be made*
31 *pursuant to Part 7 (commencing with Section 17500) of Division*
32 *4 of Title 2 of the Government Code.*

33 ~~SECTION 1. Article 2.5 (commencing with Section 128300)~~
34 ~~is added to Chapter 4 of Part 3 of Division 107 of the Health and~~
35 ~~Safety Code, to read:~~

36

37 ~~Article 2.5. Personal and Home Care Aide Training Program~~

38

39 ~~128300. (a) The Secretary of State and Consumer Services~~
40 ~~shall submit an application on behalf of the state to the federal~~

1 Department of Health and Human Services to receive a three-year
2 grant to establish a Personal and Home Care Aide training program,
3 as provided in Sections 4002 and 5507(b) of the federal Patient
4 Protection and Affordable Care Act (Public Law 111-148).

5 (b) The secretary shall write the application so that the program
6 includes opportunities for honorably discharged veterans in
7 California to be hired in the training program.