



I30 A Poorly Thought-Out Method to Reduce Homelessness: Proposed California Assembly Bill 1971

Aadhar R. Dhamecha, MD*, Redondo Beach, CA 90277

Learning Overview: The goals of this presentation are: (1) to summarize California Assembly Bill (AB) 1971 that expands the definition of grave disability for involuntary civil commitment, (2) to review the primary purposes of this legislation with regard to decreasing homelessness in California, (3) to review the evidence and opinions for and against AB 1971, and (4) to discuss the proposed bill's potential legal and societal ramifications on the community and forensic psychiatry as well as on persons who are homeless and mentally ill.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by providing a thorough analysis of AB 1971. The bill's medical, psychiatric, legal, and public ramifications will be illustrated through a case example.

According to existing California civil commitment laws under the Lanterman-Petris-Short (LPS) Act, if a person, as a result of a mental illness, is a danger to others, a danger to self, or gravely disabled, he or she may be taken into custody and placed involuntarily in a facility for 72-hour treatment and evaluation.¹ Currently, "grave disability" means a condition in which a person, as a result of a mental illness or chronic alcoholism, is unable to provide for his or her basic personal needs for food, clothing, or shelter.¹

AB 1971 expands the definition of "grave disability" to include a condition in which a person, as a result of a mental illness, is unable to provide for his or her basic personal needs for medical treatment, if the failure to receive medical treatment results in a deteriorating physical condition that will more likely than not lead to death within six months.¹

Proponents of the bill cite that more than 800 individuals who were homeless died on the streets of Los Angeles County in 2017.² They suggest that the bill would prevent such unnecessary deaths in those who are both homeless and unable to tend to their medical needs because of their mental illness. Consequently, the bill would allow such individuals to be civilly committed and be given an LPS conservator who would act as a surrogate medical decision-maker in order for the conservatees to obtain necessary treatment for their medical conditions.²

Opponents of the bill argue that there are no data that demonstrate how many of those who were homeless and died suffered from mental illness that impaired their willingness to seek medical care.² Opponents also cite a lack of current or planned infrastructure to treat and house the population this bill is meant to help, further questioning the effectiveness of the bill in its stated purpose.²

Legal issues include whether this bill infringes upon the civil rights of those who are homeless and mentally ill. Opponents argue it is dangerously expansive at the expense of individual liberties.² Additionally, the passage of this bill would require multiple physicians, rather than one, to address the specific criteria of "grave disability." That is, psychiatrists would need to assess symptoms of mental illness and whether they impact the patient's capacity to refuse medical care, and other medical specialists would need to assess the diagnosis, treatment, and prognosis of the patient's medical condition. Moreover, the fiscal impact is expected to be significantly large with increased medical, legal, and housing costs that, according to analysts, are unpredictable and non-reimbursable, a gloomy outlook for a state that already has a high cost-burden in public services.²

Scrutinized in its entirety, AB 1971 brings more problems than solutions in its attempt to combat the homelessness crisis in California.

Reference(s):

1. California Assembly Bill 1971, 2017-2018, Regular Session (California 2018), http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1971.
2. California Assembly Floor Third Reading Analysis, California Assembly Bill 1971 (California, May 2018), http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180AB1971#.

Civil Commitment, Homelessness, Refusal of Medical Care