



San Francisco's Implementation of New Conservatorship Law

Senate Bill 43 is a change in state mental health conservatorship law that expands the eligibility requirements to help more people struggling with substance use disorder get the care and support they need. SB 43 goes into effect on January 1, 2024.

In October, after the Governor signed the legislation, Mayor Breed issued an Executive Directive to City departments to ensure that San Francisco is ready to implement this new policy at the beginning of January and immediately start the process of helping people get into the care they need.

What Did SB 43 Change

The Lanterman-Petris-Short (LPS) Act is a long-standing state law that allows people who are “gravely disabled” to be placed in conservatorship, so that they can be stabilized and receive care. SB 43 modernized the definition of “gravely disabled” and expanded the qualifying conditions for conservatorship from either a mental health disorder or chronic alcoholism, to add substance use disorder as a stand-alone basis. Also, while previously one could meet the legal criteria for grave disability only if they are unable to provide for their food, clothing, and shelter, under SB 43, a person is also considered gravely disabled if they are unable to provide for their necessary medical care or personal safety. A person’s mental disorder or substance use disorder must cause their inability to provide for food, clothing, shelter, personal safety, or necessary medical care.

Who is SB 43 Meant to Support

The previous definition of “grave disability” did not account for the effects of psychoactive substances other than alcohol. This is insufficient in today’s world, especially in San Francisco, where many psychiatric emergencies involve the use of multiple substances (e.g. methamphetamines and opioids including fentanyl). Individuals end up cycling in and out of crisis, and in and out of the emergency room, because they no longer meet the legal criteria to remain at the hospital when no longer under the influence, then often end up back in a triggering environment where the substance use starts again and leads to dangerous behaviors and situations.

These are people San Francisco has been trying to support with various services, some for years. With SB 43, the City has an additional tool to get them into more comprehensive and coordinated care plan.

How Does SB 43 Work

SB 43 does not change the procedures of existing conservatorship; all the processes and procedures that are already in place will continue. SB 43 does change the conditions under which someone may qualify for conservatorship to include those with severe substance use disorder and those who are unable to provide for their basic needs for personal safety or necessary medical care.

Mental health conservatorship is a legal procedure through which the Superior Court appoints a conservator to authorize psychiatric treatment of a person who meets the legal definition of grave disability. If the Court determines the person to be gravely disabled, the person can be placed under conservatorship for up to one year. Only psychiatrists and clinical psychologists may make referrals for conservatorship. After appointment, the Public Conservator works with other City Departments to ensure conservatees are receiving proper treatment.



What Does the Executive Directive Do and What Are Next Steps

The Mayor's Executive Directive coordinates and gives direction to departments, including the Department of Disability and Aging Services (DAS), the City Attorney's Office, and the San Francisco Department of Public Health (SFPDH). The Executive Order provides oversight and coordination, sets implementation timelines, and requires departments to train staff on the changed definition of grave disability with an improved collaborative workflow.

The Departments are preparing for the law to go into effect on January 1, 2024. At that time, the Public Conservator will begin to petition the courts to conserve individuals under the newly established criteria set forth by SB 43. Those individuals will then go through the legal process under which they may or may not be conserved. This is only one tool for the City to employ, and conservatorship processes take time. But it will provide a new approach to help people who are struggling and unable to help themselves.

How does SB 43 Fit within San Francisco's Range of Services

Currently, San Francisco supports a range of services for those who experience behavioral health challenges that include both voluntary and involuntary options. One of the main goals of the City is to provide people care across a continuum of care to meet them where they are. Conservatorship is for those deemed incapable of caring for themselves. Another main goal is to reach individuals and provide care and treatment before they reach a point of conservatorship.

SFPDH has services that span early intervention, such as low threshold counseling, community-based mental health programs to support beds once an individual leaves residential program that provides a supportive environment for continued care.

Since the end of the COVID-19 emergency, SFPDH has expanded a litany of services for those in crisis on the streets and has increased access to care and services. Interventions for people experiencing mental health and substance use disorders emergencies are provided by mobile crisis units, street crisis and care teams, and access to urgent care and crisis stabilization through our 55 specialized outpatient mental health and substance use treatment sites.

SFPDH has expanded hours at the Behavioral Health Access Center, SFPDH pharmacies and clinics, and mobile delivery of medication. The Office Coordinated Care provides case management, care plan, counseling, and service connections with a focus on people with complex behavioral health care needs. The Intensive Outpatient Program provides multidisciplinary treatment through team-based care for people with complicated mental health and substance use needs.

Both outpatient and residential programs are available for complex behavioral problems. Medicated assisted treatment programs for SUD are available across the City and by mobile program that serves highly impacted neighborhoods. More than 2,550 behavioral health beds are available for short-term and long-term residential care. This includes overnight sobering and respite centers, crisis stabilization beds, withdrawal management, SUD treatment, dual diagnosis, locked mental health and residential step down for individuals in need after exiting a residential program.