

What is a Lanterman-Petris Short Act (LPS) (5358) Conservatorship?

This is a process in which an individual has been deemed gravely disabled due to a mental illness. The court then appoints a person (conservator) to make certain legal decisions for the individual for a renewable one-year period. A conservator can make decisions on behalf of the individual, such as:

- Whether the individual can start or stop taking psychiatric medications.
- Accepting other medical treatment.
- Managing their own money.
- Deciding where they will live.



Patients' Rights Advocates

- Investigate complaints regarding Patients' Rights violations
- Monitor mental health facilities & programs
- Provide education & training
- Represent clients at mental health hearings
- Advocate on behalf of Patients' Rights
- Gather, review & report to State Patients' Rights Office various information, including Denial of Rights, ECT, Restraint, Seclusion & Involuntary Treatment



Behavioral Health

***For further information or questions,
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Rev. 8/16

Behavioral Health Patients' Rights Office San Bernardino County

Know Your Rights



Mental health patients have the same legal rights guaranteed to everyone by the Constitution and Laws of the United States and California.



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Mental Health Patients' Rights

YOU HAVE THE RIGHT:

- To treatment services which promote the potential of the person to function independently. Treatment should be provided in ways that are least restrictive of personal liberty.
- To dignity, privacy, and humane care.
- To be free from harm, including excessive physical restraint, isolation, medication, abuses or neglect. Medication shall not be used as punishment for the convenience of staff, as a substitute for program, or in quantities that interfere with the treatment program.
- To prompt medical care and treatment.
- To religious freedom and practice.
- To participate in appropriate programs of publicly supported education.
- To social interaction and participation in community activities.
- To physical exercise and recreational opportunities.
- To be free from hazardous procedures.
- To see a Patients' Rights Advocate.
- To confidentiality in respect to information and records involved in one's treatment.

Mental Health Patients' Rights Continued...

1. To wear one's own clothing.
2. To keep and use one's own personal possessions including one's own toilet articles.
3. To keep and be allowed to spend a reasonable sum of one's own money for canteen expenses and small purchases.
4. To have access to individual storage space for private use.
5. To see visitors each day.
6. To have reasonable access to telephone, both to make and receive confidential calls or to have such calls made.
7. To have ready access to letter writing materials, including stamps, and to mail and receive unopened correspondence.

*Rights 1-7 above may be denied if "Good Cause" exists.

What is "Good Cause"?

Good cause for denying one of the rights exists if the professional person in charge of the facility has a good reason to believe:

1. That the exercise of the specific right could be injurious to the resident; or
2. That there is evidence that the specific right, if exercised, would seriously infringe on the right of others; or
3. That the institution or facility would suffer serious damage if the specific right is not denied.
4. And if there is no other least restrictive way to protect the above.

What is a 5150?

Welfare & Institutions 5150 code is a legal hold imposed on a person who, as a result of a mental health disorder, is believed to be a danger to self, a danger to others or gravely disabled.

Danger to self: The criteria may be either a deliberate intention to injure oneself (such a drug overdose) or a disregard to personal safety to a point where injury is imminent (such as wandering in heavy traffic). The danger, whether real or perceived, must be *present, immediate, substantial, physical, and demonstrable*.

Danger to others: The criteria is based on verbal or physical action that would indicate that the person in question is intent upon causing harm to a particular individual or intends to engage in dangerous acts that disregard the safety of others.

Gravely disabled: Gravely disabled adult means "a condition in which a person, as a result of a mental disorder, is unable to provide for his or her basic personal needs for food, clothing or shelter." (W&I) 5008(h)