



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY EXECUTIVE

File #: 22-480

Board Meeting Date: 6/28/2022

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Michael Callagy, County Executive
Connie Juarez-Diroll, Chief Legislative Officer

Subject: Adopt a resolution supporting Senate Bill 965 (Eggman) Conservatorships: medical record: hearsay rule.

RECOMMENDATION:

Adopt a resolution supporting Senate Bill 965 (Eggman) that would ensure courts can consider relevant testimony related to medical history during Lanterman-Petris-Short (LPS) Act conservatorship proceedings.

BACKGROUND:

The LPS Act establishes the rights, protections, and process for providing involuntary behavioral health treatment for someone who is “gravely disabled” as a result of a mental health disorder and is unable to provide for his or her basic personal needs for food, clothing, or shelter. To establish a conservatorship, the County must present evidence to the court. A decision made by the California Supreme Court in *People v. Sanchez* limits crucial medical information from being admitted as evidence due to it being considered hearsay.

DISCUSSION:

SB 965 would ensure that courts can consider relevant testimony related to medical history in the medical record during conservatorship proceedings by creating a hearsay exception for medical history contained in the medical record.

The bill passed out of the Senate Judiciary Committee on April 27, 2022, and its house of origin on May 9, 2022. The measure is awaiting a hearing in the Assembly Committee on the Judiciary.

A complete analysis of the measure can be found in the attached form. The County Attorney’s Office and the County Health system are requesting the Board support SB 965 as it will make it much easier to present key evidence in contested LPS conservatorship trials, leading to the better protection of doctor-patient relationships and the prevention of mentally-ill individuals cycling in and

out of the system.

The County Attorney's Office has reviewed and approved the resolution as to form.

FISCAL IMPACT:

None.