

## Professional Fiduciaries Bureau March 15, 2023 Legislative Update

### Important Dates

- **Feb. 17-** Last day for bills to be introduced
- **Mar. 30- Apr. 10** Spring recess
- **Apr 28-** Last day for policy committees to hear and report to fiscal committees, fiscal bills introduced in their house
- **May 8-** Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house
- **May 12-** Last day for policy committees to meet prior to June 5
- **May 19-** Last day for fiscal committees to hear and report to the Floor bills introduced in their house and the last day for fiscal committees to meet prior to June 5
- **June 2-** Last day for each house to pass bills introduced in that house

### 2023 Legislation Related to the Bureau

#### **AB 1262 (Committee on Business and Professions) Professional Fiduciaries.**

**Status:** Introduced

This bill would specify that only a person who holds a current and active license from the bureau is authorized to identify themselves as a licensed professional fiduciary.

#### **SB 232 (Niello R) Mental health services: gravely disabled.**

**Status:** Referred to the Senate Committee on Health and Judiciary

This bill would change the definition of “gravely disabled” for these purposes to, a condition in which a person, as a result of a mental health disorder, is incapable of making informed decisions about, or providing for, their own basic personal needs for food, clothing, shelter, or medical care without significant supervision and assistance from another person and, as a result of being incapable of making these informed decisions, the person is at risk of substantial bodily harm, dangerous worsening of a concomitant serious physical illness, significant psychiatric deterioration, or mismanagement of essential needs that could result in bodily harm.

The bill would also define “gravely disabled” for purposes to mean a condition in which a person has an incapacity to provide informed consent to treatment due to anosognosia.

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 the statutory provisions noted above.

**SB 280 (Laird D) Review of conservatorships: care plans.**

**Status:** Referred to the Senate Judiciary Committee.

This bill, commencing January 1, 2025, would require a conservator, within 120 calendar days of appointment and not later than 10 days before a hearing to determine the continuation or termination of an existing conservatorship, and to file a care plan regarding the care, custody, and control of the conservatee. The bill would require the care plan to be delivered to specified persons, including the conservatee and their attorney, but would otherwise make the care plan confidential, except as specified, thereby limiting public access to the records. The bill would require the Judicial Council to develop a mandatory form for the care plan, which would be required to include specified information, including descriptions of the conservatee's living arrangement and level of care and any plans to modify those within the next 12 months. The bill would impose sanctions for a conservator's failure to timely file a care plan, including authorizing the court to impose a civil penalty in any amount up to \$1,000, payable to the estate of the conservatee, and authorizing the court to remove a conservator for failure to file a care plan. The bill would require an investigator to review the most recent care plan as part of an investigation.

This bill would remove the requirements that the determination be provided in writing and signed under penalty of perjury, as well as the delivery timeline, and would instead require that it be included in the care plan.