



NORA VARGAS
CHAIRWOMAN
SUPERVISOR, FIRST DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS
AGENDA ITEM

DATE: December 5, 2023

06

TO: Board of Supervisors

SUBJECT

**ADOPT RESOLUTION TO GUIDE IMPLEMENTATION OF SENATE BILL (SB) 43
AND ESTABLISH A MULTISECTORAL PLANNING PROCESS TO GUIDE
IMPLEMENTATION (DISTRICTS: ALL)**

OVERVIEW

On October 10, 2023, Governor Newsom signed into law Senate Bill (SB) 43, amending the Lanterman-Petris-Short Act (LPS Act), for the first time in over 50 years. Under the LPS Act, “gravely disabled” was narrowly defined as a condition in which a person, as a result of a mental health disorder or impairment by chronic alcoholism, is unable to provide for basic personal needs for food, clothing, or shelter. SB 43 significantly expands the definition of gravely disabled by including severe substance use disorder (SUD) as an allowable category for someone to be compelled into treatment or placed under conservatorship.

The adoption of SB 43 is one of several recent actions taken by Governor Newsom to overhaul the State’s behavioral health system. Other recent statewide initiatives include SB 326, the “Behavioral Health Services Program and Bond Measure,” which will go to California voters as Proposition 1 on March 5, 2024, as well as the establishment of the Community Assistance, Recovery, and Empowerment program (CARE Act), which provides a new pathway to deliver mental health services for those living with untreated schizophrenia spectrum or other psychotic disorders through a new civil court process.

On October 1, 2023, the County of San Diego was one of seven pilot counties in the State to implement the CARE Act to address the behavioral health needs of eligible individuals for whom other treatment options are not working. The CARE Act required over a year of rigorous planning and coordination across multiple County departments and with external stakeholders to implement and has now been operational for two months. One of the key lessons learned of the planning process of the CARE Act was the convening of the stakeholders comprised of representatives from County Behavioral Health Services, the judicial system, local municipalities, and stakeholders to develop the program and establish the infrastructure necessary for successful implementation on October 1, 2023. As a County, we are committed to

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successfully implement the CARE Act program and SB 43 as part of the County's Behavioral Health Continuum of Care.

Today's action would adopt a resolution to implement SB 43 on January 1, 2025. Additionally, it will direct the Chief Administrative Officer to establish a multi-sectoral planning process that would include key parties and agencies impacted by and/or involved with the implementation of SB 43.

RECOMMENDATION(S)

CHAIRWOMAN NORA VARGAS

1. Adopt a resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO SENATE BILL (SB) 43.
2. Direct the Chief Administrative Officer to establish a process to implement SB 43 on January 1, 2025. The process should include a multi-sectoral planning process with key parties and agencies impacted by and/or involved with the implementation of SB 43.
3. Direct the Chief Administrative Officer to add to the County's 2024 State Budget Advocacy support for additional funding needed to implement SB 43 and to apply for any available funding that will support the implementation of SB 43.

EQUITY IMPACT STATEMENT

The County of San Diego has taken a proactive approach to address the behavioral health needs of our communities, especially our most vulnerable populations including youth, seniors and people experiencing homelessness. On October 1, 2023, San Diego County became one of seven Cohort One counties to implement the CARE Act, which provides community-based behavioral health services and supports to Californians living with untreated schizophrenia spectrum or other psychotic disorders through a new civil court process. The County of San Diego is committed to give careful consideration to the implementation of both the CARE Act and SB 43 to ensure clients have the best possible outcomes.

SUSTAINABILITY IMPACT STATEMENT

This action aligns with the County of San Diego's (County's) Sustainability Goal #1, #2 and #4. Sustainability Goal #1 involves the engage with the community and this action calls for the County of San Diego to conduct stakeholder engagement and input regarding the implementation of SB 43. This action also aligns with the County's Sustainability Goal #2 to provide just and equitable access to County services. As the State and County continue to address the behavioral health needs of Californians, we have a responsibility to prioritize the health and well-being of those experiencing a mental health crisis through a client-centered approach. Lastly, this aligns with Sustainability #4 to protect the health and well-being of everyone in the region.

Today's action ensures that the individuals who may be affected by SB 43, have the best possible outcomes and ensuring all parties responsible in the roll out of SB 43 have an opportunity to carefully think through the methodology needed to have a successful program.

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FISCAL IMPACT

There is no fiscal impact associated with today's recommendations; however, there will likely be future fiscal impacts identified by the department including new costs and staff years associated with the implementation of SB 43, which will be included in future Operational Plans for consideration and approval by the Board. For today's actions, there are no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

On October 10, 2023, Governor Newsom signed into law Senate Bill (SB) 43, authored by State Senator Susan Talamantes Eggman, amending the Lanterman-Petris-Short Act (LPS Act), for the first time in over 50 years. The LPS Act addressed the involuntary commitment of those facing serious behavioral health challenges when certain criteria are met. The LPS Act allows individuals to be detained, compelled into treatment, and placed under conservatorship when a person is deemed to be a danger to self or others or is "gravely disabled." Under the LPS Act, "gravely disabled," is narrowly defined as a condition in which a person, as a result of a mental health disorder or impairment by chronic alcoholism, is unable to provide for basic personal needs for food, clothing, or shelter. SB 43 fundamentally changes the LPS Act. SB 43 significantly expands the definition of gravely disabled by including severe substance use disorder (SUD) as an allowable category for someone to be compelled into treatment or placed under conservatorship. This law also includes "personal safety and necessary medical care" as part of basic personal needs standard and allows for wider discretion for the court considering conservatorship to hear expert testimony.

The adoption of SB 43 is one of several recent actions taken by Governor Newsom, to overhaul California's behavioral health system. Other recent initiatives include the "Behavioral Health Services Program and Bond Measure," which will go to California voters as Proposition 1 on March 5, 2024, as well as the establishment of the Community Assistance, Recovery, and Empowerment program (CARE Act), which provides a new pathway to deliver mental health services for those living with untreated schizophrenia spectrum or other psychotic disorders through a new civil court process.

On October 1, 2023, the County of San Diego was one of seven counties in the State to implement the CARE Act pilot program to address the behavioral health needs of those who have untreated schizophrenia spectrum or other psychotic disorders and whose other treatment options are not working or who have been unable to be connected to care. In preparation for the implementation of the CARE Act, the County of San Diego convened a working group comprised of the County's Behavioral Health Services, the judicial system, local municipalities, and other stakeholders.

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The County's pilot CARE Act program has the potential to be a significant mechanism to support access to behavioral health services for those suffering from untreated schizophrenia spectrum or other psychotic disorders. The CARE Act program is innovative, and it is likely that over time the County will refine its operations including the optimization of CARE Act program utility for first responders over the next year, to ensure better outcomes.

The County of San Diego has made significant progress to reimagine its behavioral health system and in our commitment to the successful implementation of SB 43, the County will engage the broader community by establishing a multisectoral implementation planning process that will include working closely with and convening key parties and agencies impacted by and/or involved with the implementation of SB 43. This will ensure that the County of San Diego and the greater provider community can adequately build the infrastructure needed for intervention and support in behavioral health services, housing, staffing and judicial spaces.

Today's action would adopt a resolution to implement SB 43 on January 1, 2025. Additionally, it will direct the Chief Administrative Officer to establish a multi-sectoral planning process that would include key parties and agencies impacted by and/or involved with the implementation of SB 43.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

The proposed action aligns with the County of San Diego's 2023-2028 Strategic Plan of Equity and Community by creating a multifaceted system to serve individuals experiencing a behavioral health crisis.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nora E. Vargas", written in a cursive style.

NORA VARGAS
Chairwoman, First District

ATTACHMENT(S)

1. A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO SENATE BILL (SB) 43.