

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, DECEMBER 05, 2023**

MINUTE ORDER NO. 6

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 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.

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

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Desmond, the Board of Supervisors took the following actions:

1. Adopted Resolution 23-136 entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RELATING TO SENATE BILL (SB) 43.

2. Directed 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. Directed 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.
4. Directed the Chief Administrative Officer to return to the Board in 90 days for an update on the implementation plan for Senate Bill 43.

AYES: Vargas, Montgomery Steppe, Desmond,

NOES: Anderson, Lawson-Remer

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter