



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Behavioral
Wellness/Treasurer/Tax
Collector/Public
Guardian
Department No.: 043/065
For Agenda Of: December 12, 2023
Placement: Departmental
Estimated Time: 40 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Antonette Navarro, LMFT, Director
Director(s) Department of Behavioral Wellness, (805) 681-5220
Harry E. Hagen, Treasurer-Tax Collector-Public Administrator
(805) 568-2490
Contact Info: John Doyel, MA, LAADC, CCS, Assistant Director
Behavioral Wellness (805) 681-5220
Arlene Diaz, Public Services Division Chief
Public Administrator/Public Guardian/ProPay/Veterans' Services
(805) 568-2795

SUBJECT: Resolution Deferring Implementation of Senate Bill 43 (2023-2024 Reg Session)
Which Modifies Welfare and Institutions Code Section 5008 By Expanding the
Definition of "Gravely Disabled"

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a. Adopt a **Resolution Deferring Implementation Senate Bill 43 (2023-2024 Reg Session) Which Modifies Welfare and Institutions Code Section 5008 By Expanding the Definition of "Gravely Disabled"** (Attachment A); and

- b. Determine that the above actions are organizational or administrative activities of the government that will not result in direct or indirect physical changes in the environment and are therefore not projects under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(5) of the CEQA Guidelines.

Summary Text: The item is on the agenda to request the Board of Supervisors (Board) to adopt a Resolution Deferring Implementation of Senate Bill 43 (2023-2024 Reg Session) Which Modifies Welfare and Institutions Code Section 5008 By Expanding the Definition of “Gravely Disabled” (“SB 43”). SB 43 expands the definition of grave disability and becomes effective on January 1, 2024. SB 43 provides that a county, by adoption of a resolution of its governing body, may elect to defer implementation of the changes until January 1, 2026, thereby postponing implementation of the new definition of grave disability. “Grave disability” is defined to mean a condition in which a person, as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter. SB 43 expands the definition of gravely disabled to include a person who, as a result of a mental health disorder, a severe substance use disorder (SUD), or a co-occurring mental health disorder and a severe substance use disorder, or as a result of impairment by chronic alcoholism, is unable to provide for their basic personal needs for food, clothing, shelter, personal safety, or necessary medical care.

Background:

The Lanterman-Petris-Short (LPS) Act (Welfare and Institutions Code section 5000, et seq.) provides for the evaluation and treatment of a person who is gravely disabled, which is defined to mean a condition in which a person, as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter. SB 43, signed by the Governor on October 10, 2023, expands the definition of gravely disabled to include a person who, as a result of a mental health disorder, a severe substance use disorder, or a co-occurring mental health disorder and a severe substance use disorder, or as a result of impairment by chronic alcoholism, is unable to provide for their basic personal needs for food, clothing, shelter, personal safety, or necessary medical care. This expanded definition of gravely disabled becomes effective on January 1, 2024.

The responsibility for administering the LPS system falls largely with counties. The legislation’s expansion of the definition of grave disability will require significant effort in building and expanding the treatment, workforce, delivery networks, housing capacity and models for locked treatment settings or models of care for involuntary substance use disorder (SUD) treatment to successfully meet the conservatorship needs of the population.

Effective implementation of SB 43 will require additional staffing for both BWell and Public Guardian’s Office. At this time, SB 43 does not provide new funds to counties for the provision of this new legislation. The January 1, 2024 implementation falls in the middle of the current and approved 2023-24 budget cycle. Counties need time to discover, plan, and then arrange budgets in order to add the additional staffing and cover the related training and fortification of services capacity, including treatment beds and specialized treatment models, necessary to effectively implement and execute this significant change in operational procedure and service delivery. As of mid-November, an estimated 45 counties were planning to seek a Board Resolution to delay implementation as allowed in the law. Once planning is completed, BWell will return to the Board to request approval of the budget for implementation of SB 43.

The breadth of the implementation effort requires more time than SB 43's effective date allows. In recognition of this, Welfare and Institutions Code section 5008, subdivision (h)(4), as enacted by SB 43, provides that a county, by adoption of a resolution of its governing body, may elect to defer implementation of the changes made to this section by SB 43 until January 1, 2026, thereby postponing implementation of the new definition of grave disability. BWell is requesting Board approval of a resolution to defer implementation of SB 43 to January 1, 2026.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

There is no cost associated with the recommended action to defer implementation of SB 43 and the full cost of implementation is currently unknown. SB 43 does not include additional funding to support its implementation and is anticipated to place a new unfunded obligation on county resources related to staffing, programming, and treatment services. The proposed deferral period will allow BWell and the Public Guardian's Office time to plan for operational costs and return to the Board to request approval of the budget for implementation of SB 43. Current FY 2023-24 appropriations for conservatorship efforts provided through the Public Guardian's Office include \$667 thousand of General Fund dollars.

Narrative:

Not applicable.

Key Contract Risks:

Not applicable.

Special Instructions:

Please return one (1) Minute Order and one (1) complete copy of the Agreement to Melanie Johnson at mejohanson@sbcswell.org and swellcontractsstaff@sbcswell.org.

Attachments:

Attachment A: Resolution Deferring Implementation of Senate Bill 43 (2023-2024 Reg Session) Which Modified Welfare and Institutions Code Section 5008 By Expanding the Definition of "Gravely Disabled"

Attachment B: PowerPoint Presentation

Authored by:

M. Johnson