



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: July 16, 2024

Placement: Administrative

Estimated Time: N/A

Continued Item: No

If Yes, date from:

Vote Required: Majority

TO: Board of Supervisors

FROM: Department Antonette Navarro, LMFT, Director
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SUBJECT: Notice to Postpone Senate Bill 43 (SB 43) Implementation Update Presentation to August 20, 2024

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: Risk Management

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive and file notice that a presentation on the Update on the Deferred Implementation of Senate Bill 43 which modifies Welfare and Institutions Code Section 5008 by expanding the definition of "Gravely Disabled" is postponed from July 16, 2024 to August 20, 2024; 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:

Senate Bill 43 (SB 43) expands the definition of grave disability, with a new and expanded definition going into effect on January 1, 2024. On December 12, 2023, the Board adopted a resolution to defer implementation SB 43 ([Resolution number 23-290](#)), which delayed Santa Barbara County's implementation of SB 43 until January 1, 2026. On that date, the Board directed Behavioral Wellness and the Office of the Public Guardian to return in July 2024 with an update on the planning for implementation progress.

Collaborative planning is actively occurring between the departments of Behavioral Wellness (BWell) and the Office of the Public Guardian (Public Guardian's Office). Staff from both departments have been meeting regularly, together and with statewide partners, to explore the County's readiness to implement and identify actions and resources necessary to most effectively execute the new legislation.

The County partners are delaying an implementation update presentation to the Board to allow for the finalization of key issues including staffing, training, definitions, documents, and feedback from additional community stakeholders, including the Behavioral Wellness Commission, before a full implementation update presentation to the Board on August 20, 2024.

Background:

The Lanterman-Petris-Short (LPS) Act (Welfare and Institutions Code section 5000, et seq.) provides for the evaluation, conservatorship, 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 grave disability effective January 1, 2024. Before this change, only people with serious mental health needs and chronic alcohol abuse could be conserved. Now, it is also possible for people with a severe drug use problem. If a person can't take care of their basic needs because of their mental health condition or addiction problem, then they are considered gravely disabled. The definition of these basic needs also changed under SB 43. Previously, someone was considered gravely disabled if they could not provide for their own basic needs for food, clothing, and shelter; that now also includes not being able to manage their own critical medical care and stay safe in their community.

The functional and financial responsibility for administering the LPS system falls solely to the 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.

BWell and the Public Guardian's Office have thus far met with partner agency stakeholders (law enforcement and local hospitals), and have worked with County and State partners to discover, plan, and address what system impact may occur as a result of SB 43. Impacts being explored include additional staffing, physical space needs, expanded training related to the fortification of service capacity, additional treatment beds, and specialized treatment models. While the majority counties received approval to delay

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implementation of SB 43, two counties, San Luis Obispo (SLO) and San Francisco (SF) began implementation in January 2024. Now six months into their implementation, these counties are starting to share data and valuable insights as to how the remaining counties, including Santa Barbara, can most efficiently and effectively implement the new legislation. The postponement of the SB 43 Implementation Update to August 20, 2024, allows BWell and Public Guardian's Office to closely review this information and integrate into our county's implementation plan and provide the Board with a more specific update and plan.

Attachments:

None

Authored by:

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Arlene Diaz