



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: August 20, 2024
Placement: Departmental
Estimated Time: 45 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Antonette Navarro, LMFT, Director
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Harry E. Hagen, Treasurer-Tax Collector-Public Administrator
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SUBJECT: Update on Deferred Implementation of Senate Bill 43

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 a presentation on the Deferred Implementation of Senate Bill 43 which modifies Welfare and Institutions Code Section 5008 by expanding the definition of "Gravely Disabled"; 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: Following the Board's adoption on 12/12/2023 of Resolution 23-390 which delayed Santa Barbara County's implementation of Senate Bill 43 (SB 43) until 1/1/2026, this item provides an implementation update in regard to the planning efforts for readiness. Planning is occurring collaboratively between the departments of Behavioral Wellness (BWell) and the Treasurer-Tax Collector-Public Administrator's (TTCPA) Public Guardian (PG). 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 implementation timeline as a result of planning efforts, has been adjusted to July 1, 2025. However, the timeline is contingent upon adequate resources determined necessary for effective and timely implementation. Specifically staffing and office spaces have been determined as necessary to launch implementation.

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 may be 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 TTCPA-PG 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 impacts 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 of counties received approval to delay 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.

Local data indicates a steady rise in 5150 evaluations as well as LPS Conservatorship both over the most recent years. BWell is currently working collaboratively with the TTCPA-PG to operationalize new definitions which will be used to create policies, procedures and strengthen overall training for the placement of individuals on 5150 and 5585 holds. While BWell does not anticipate any cost change with expansion efforts, the Public Guardian's Office has identified the need for additional staffing as well as office space to accommodate these new staff before SB 43 can effectively launch in Santa Barbara County.

Necessary policies will be in place and training will be conducted by Spring 2025. Assuming additional staffing and space resources are also in place for the TTCP- PG, the anticipated start date for SB 43 launch in Santa Barbara County is July 1, 2025.

Fiscal Analysis:

Behavioral Wellness

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Staffing Impacts: None

SB 43 does not include funding to support its implementation and new obligations. In light of recent efficiencies identified in both workload utilization reviews and the overall redesign of BWell’s crisis system, BWell anticipates there will be no need for an increase to program costs nor staffing in year one of the SB 43 implementation. Specifically, additional staffing for LPS assessments has been reallocated within the current staffing structure. Moreover, the redesign of BWell’s crisis services as a result of its engagement with KPMG, has identified sufficient current staffing to handle increases in calls for 5150 evaluations. Certainly, as SB 43 is implemented, BWell will monitor utilization, costs and expenditures and adjust its budget in future years as needed.

Public Guardian

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund		\$ 485,000.00	
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ 485,000.00	\$ -

Staffing Impacts:

Legal Positions:

FTEs:

3

SB 43 does not include any funding to support its implementation and new obligations. The Public Guardian’s LPS program is currently inadequately staffed for the ever-growing workload. The table below shows the caseloads over the past three years that are pre-SB 43 and pre-CARE Court numbers.

Caseloads Prior to SB43

	2021-22	2022-23	2023-24	% Increase from 2021-22
LPS Ongoing Cases	150	160	165	10%
LPS Investigations	62	62	89	44%

Additionally, the Public Administrator program received 136 referrals in FY 22-23, which increased to 172 referrals in FY 23-24. The investigators are greatly impacted by this referral caseload that comes from the Courts driven primarily by population growth and an increase in legal issues for this population related to substance abuse.

Currently, there are three LPS staff, (two investigators and a supervisor) and they all have ongoing caseloads. There is one FOP position for the LPS, Probate conservatorship and Public Administrator programs. This position is responsible for the money management, deposits, disbursements, court accountings and financial statements for the three program’s clients and decedents. The FOP, as well as the staff who handle the ongoing LPS case management are impacted by the new LPS cases. As a fiscally responsible department, we have absorbed this increased workload without additional staff requests and cannot absorb more.

The current FY 2023-24 costs for the LPS Program are approximately \$610,000. Currently, each investigator averages seven active investigations per month and the investigation process often stretches more than one month. For FY 2023-24, the Supervisor had a caseload of 79 while the two investigators had caseloads of approximately 43 each.

Based on the steady growth in caseload trending over the past three years in addition to anticipated new SB 43 workload, the TTC will require an additional two (2) Deputy Public Guardian positions and one (1) FOP Senior, totaling three (3) FTE’s, at an ongoing cost of approximately \$485,000. Staff anticipate caseload for SB 43 will be most extensive for the investigation activity based on the initial pilot information from San Luis Obispo and San Francisco. More data on caseload impacts will be available after the program is implemented.

The TTC initially estimated the need for three (3) Deputy Public Guardian positions. However, ever mindful of the County budget, are acting conservatively, reserving the option of coming back with an additional expansion request if necessary. Behavioral Wellness is on target for Mid-2025, but as SB 43’s partnering program, the implementation is dependent upon TTC staffing and office space.

To implement by July 2025, the PG’s new staff should be in place no later than January 2025 or to implement by the January 2026 deadline, the PG’s new staff should be in place no later than July 2025 to allow for adequate training. The CEO’s office is graciously collaborating with General Services and the TTC to resolve the issue of necessary office space. We will also continue to work with the CEO’s office to solve any budgetary challenges related to additional staffing needs.

Implementation Date	FY 2024-25 Costs	FY 2025-26	# of FTE
July 1, 2025 (January 2025 Staffing start)	\$242,500	\$485,000	3
July 1, 2026 (July 2025 Staffing start)	\$0	\$485,000	3

Budget Impacts:

The estimated cost for FY 2024-25 if the positions are filled in January 2025 for a July 2025 implementation would be approximately \$242,500. CEO staff will work with the department to identify

the current year funding source, including any potential departmental cost savings at mid-year that could be utilized to cover these costs. Ongoing costs will be funded from the General Fund during the FY 2025-26 budget process. Any necessary positions and/or budget adjustments for the current year would be brought back to the board on a future agenda.

Special Instructions:

Please email one (1) minute order to mejohanson@sbcbswell.org and bswellcontractsstaff@sbcbswell.org.

Attachments:

Attachment A: PowerPoint Presentation

Authored by:

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