

Attachment B

PowerPoint Presentation

Resolution to Delay and Prepare for Expansion of Involuntary Treatment For Mental Illness Under SB 43

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December 2023



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COUNTY
one
FUTURE



SANTA BARBARA COUNTY
DEPARTMENT OF
Behavioral Wellness
A System of Care and Recovery

- In mid-October 2023, Governor Gavin Newsom signed into law Senate Bill 43 (SB 43) which expands the criteria for the involuntary detention, treatment, and conservatorship of persons in California to include not only persons with a serious mental illness, but now also those diagnosed with a severe substance use disorder. This law goes into effect January 1, 2024.
- Behavioral Wellness, the Public Guardian's Office, and their partners agree with SB 43's author and sponsors, and advocates throughout the State, that too many individuals suffer without adequate and appropriate treatment and housing. We share in the urgency to bring about real change to address the needs of unhoused individuals with serious mental illness, as well as severe substance use disorders (SUD).
- In acknowledgment of the various changes to existing county system's that will be required to effectively implement SB 43, the law allows for counties to post-pone implementation of the law until January 1, 2026.



Lanterman-Petris-Short (LPS) Act



- Under California Welfare and Institutions Code 5000 et seq, Lanterman-Petris Short Act being modified under Senate Bill 43
- Legally applies to someone who due to their mental illness is substantially unable to provide for their food, clothing or shelter, or is a danger to themselves or others.
- The person undergoes involuntary psychiatric hospitalization and involuntary medication with psychotropic drugs.



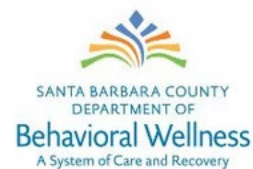
- Begins with a three day involuntary hold, then a two week involuntary hold and then a thirty day involuntary hold.
- An individual is medically cleared by a hospital, then placed on a psychiatric hospital, which provides evaluation and treatment for mental illness.
- If the individual is not recovering, and appears to need long-term involuntary treatment, a referral for a conservatorship investigation is made.
- If the individual meets legal criteria, a one year LPS conservatorship is established.



- Effective January 1, 2024, SB 43 expands involuntary treatment and conservatorship criteria in unprecedented ways.
- Amends WIC Section 5800 and expands the state’s “gravely disabled” criteria allowing for an individual’s involuntary detention and conservatorship due to a standalone “severe” substance use disorder (SUD), or co-occurring mental health disorder and severe SUD;
- Expands the definition of grave disability to include those unable to provide for their personal safety or necessary medical care, which a licensed health care practitioner determines necessary to prevent serious deterioration of an existing medical condition likely resulting in serious bodily injury if left untreated.



Implementation Concerns



- By expanding LPS to capture any person who has a severe SUD, this change in policy will significantly expand the number of persons subject to detention and conservatorship from about 1% to around 10% of the population.
- In FY 2022-2023, 425 involuntary 5150 WIC holds were written in Santa Barbara County. This could potentially increase ten-fold.
- Successful implementation of SB 43 requires increases in capacity both in workforce, facility, and treatment solutions. The timeframe given to execute the necessary changes does not allow for that.



- This statewide change in LPS regulation requires counties to develop new policies and procedures for the assessment and determination of an individual's ability survive safely in the community or provide for necessary medical care without involuntary detention.
- By adding physical health conditions as a basis for conservatorship, counties must develop a new set of medical services to evaluate and assess physical health risks and status.
- The current system is stressed and implementing this prematurely will exacerbate the situation and compromise care for the most vulnerable in our county.



- There are no involuntary locked treatment beds in California for individuals with primary severe SUD.
- Hospitals, including emergency departments, will be severely impacted by additional individuals who are awaiting placement in the absence of this new treatment capacity.
- This law does not include additional funding. The delay will allow for appropriate fiscal planning, which will entail significant costs.



Plan For Success



- By delaying implementation, Behavioral Wellness and the Public Guardian's Office will have more time to develop necessary actions for successful execution of the law.
- By July 2024 we will bring forward a plan for an extensive array of new policies, procedures, workforce, facility, and treatment capacity to realize SB 43's goals.
- During the 2024-25 fiscal year, BWell and the Public Guardian's Office will propose the necessary budget expansions for staffing and training.
- The County will have more time to accomplish the current operational changes to its crisis services system, in order to provide more effective crisis response, including intensive outreach and engagement to this expanded population.



- Proposition 1, on the ballot in March 2024 will potentially address some of the placement/housing issues and allow Mental Health Services Act to be used for SUD treatment.
- Private entities are working to create sorely needed capacity for individuals with complex co-occurring medical, SUD and mental health treatment needs.



Request



- 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.



Questions?

