

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

December 19, 2023

FROM

GEORGINA YOSHIOKA, Director, Department of Behavioral Health

SUBJECT

Resolution for the Deferred Implementation of Senate Bill 43

RECOMMENDATION(S)

Adopt **Resolution No. 2023-216** to defer implementation of Senate Bill 43, related to the expanded definition of gravely disabled, as allowed by law, in addition to designating the County Administrative Office to establish a process of implementing Senate Bill 43 in order to allow the necessary planning, training, and external collaborative efforts required for implementation by January 1, 2025.

(Presenter: Georgina Yoshioka, Director, 252-5142)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

This item is non-financial in nature and does not impact Discretionary General Funding (Net County Cost).

BACKGROUND INFORMATION

Senate Bill 43 is a legislative act with a history rooted in the Lanterman-Petris-Short (LPS) Act, which aimed to address issues related to involuntary commitment and the rights of individuals with mental health disorders, developmental disabilities, and substance use disorders. Existing law prior to the enactment of Senate Bill 43 defined “gravely disabled” as a person deemed to be a danger to self or others and may be detained for periods of up to 72 hours for evaluation and treatment in county-designated facilities or be placed in a conservatorship as a result of their mental health disorder or impairment by chronic alcoholism and is unable to provide for their own basic needs.

On October 10, 2023, Senate Bill (2023-2024 Reg Session), Statutes 2023, Chapter 637 (SB 43) was signed into law. This bill makes several significant changes to the State’s involuntary detention and conservatorship under the LPS Act, such as expanding the State’s “gravely disabled” criteria to allow for the involuntary detention and conservatorship of individuals based on a standalone “severe” substance use disorder (SUD) or co-occurring mental health disorder. It also defines “necessary medical care” to mean care that a licensed healthcare practitioner determines to be necessary to prevent serious deterioration of an existing medical condition, which is likely to result in serious bodily injury if left untreated. Lastly, the bill modifies hearsay

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evidentiary standards for conservatorship hearings and will require that counties consider less restrictive alternatives such as assisted outpatient treatment (AOT) and Community Assistance, Recovery and Empowerment (CARE) Court in conducting conservatorship investigations.

As a result of this expanded definition of “gravely disabled”, counties must develop an extensive array of new policies, procedures, workforce, and treatment capacity in order to implement SB 43. Since SB 43 did not come with dedicated State funding to support these expanded obligations, counties will need additional lead time to arrange for staffing and resources necessary to support implementation. The bill does allow counties, by adoption of a Resolution of its governing body, to elect to defer implementation of the expanded definition until January 1, 2026. This approval must be obtained by December 31, 2023. However, the County intends to implement the expanded definition by January 1, 2025.

Approval of the Resolution will grant authority for the County to defer implementation of SB 43. This Resolution will also grant authority to the Board of Supervisors to designate the County Administrative Office to establish a process to implement SB 43 by January 1, 2025. The process shall include a multi-sectional planning process with agencies impacted by and/or involved with the implementation of SB 43 in the County.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Behavioral Health Contracts (Natalie Kessee, Contracts Manager, 388-0869) on November 16, 2023; County Counsel (Dawn Martin, Deputy County Counsel, 387-5455) on December 4, 2023; Finance (Christopher Lange, Administrative Analyst, 386-8393) on December 4, 2023; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on December 5, 2023.

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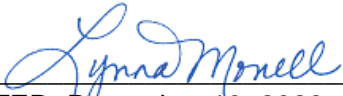
Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Col. Paul Cook (Ret.)

Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: December 19, 2023



cc: File – Department of Behavioral Health w/resolution
MA 01/3/2024