

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

December 17, 2024

FROM

GEORGINA YOSHIOKA, Director, Department of Behavioral Health

SUBJECT

Amend Resolution for the Deferred Implementation of Senate Bill 43

RECOMMENDATION(S)

Amend **Resolution No. 2023-216 A-1** to extend the deferment of implementation of Senate Bill 43, related to the expanded definition of gravely disabled, from January 1, 2025, to April 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

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost), as amending the Resolution is non-financial in nature.

BACKGROUND INFORMATION

Senate Bill 43 (SB 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 SB 43, defined a “gravely disabled” person as one deemed to be a danger to self or others. Such a person may be detained for a period of up to 72 hours for evaluation and treatment in County-designated facilities or be placed in a conservatorship because of their mental health disorder or impairment by chronic alcoholism, which made them unable to provide for their own basic needs.

On October 10, 2023, SB 43 (2023-2024 Reg. Session), Statutes 2023, Chapter 637 was signed into law. This bill made several significant changes to the State’s involuntary detention and conservatorship requirements 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 or co-occurring mental health disorder. It also defined “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 modified hearsay evidentiary standards for conservatorship hearings and requires that counties consider less

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restrictive alternatives, such as assisted outpatient treatment and Community Assistance, Recovery and Empowerment Court in conducting conservatorship investigations.

As a result of this expanded definition of “gravely disabled”, counties must develop an array of new policies, procedures, workforce, and treatment capacity in order to implement SB 43. Since SB 43 did not provide for State funding to support its mandates, counties need additional lead time to acquire the staffing and resources necessary to support implementation. SB 43 allows counties, by adoption of a Resolution of its governing body, to elect to defer implementation of the expanded definition until January 1, 2026. On December 19, 2023 (Item No. 30), the Board of Supervisors adopted Resolution No. 2023-216 to allow the necessary planning, training, and external collaborative efforts required for the implementation of SB 43 by January 1, 2025.

Approval of this item will allow the County to further delay implementation, changing the implementation date from January 1, 2025, to April 1, 2025. The County intended to implement SB 43’s provisions by January 1, 2025, but now requests to delay implementation until April 1, 2025 to allow for the proper infrastructure planning, including the development of policies and procedures, training, expanding workforce treatment capacity, and collaborating with agencies impacted by and/or involved with the implementation of SB 43 in the County. These include, but are not limited to, local area hospitals, behavioral health agency providers, law enforcement, and first responders.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Behavioral Health Contracts (Natalie Kessee, Senior Program Manager, 388-0869) on November 20, 2024; County Counsel (Dawn Martin, Deputy County Counsel, 387-5455) on December 10, 2024; Finance (Paul Garcia, Administrative Analyst, 386-8392) on December 11, 2024; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on December 11, 2024.

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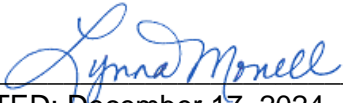
Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: December 17, 2024



cc: File - Behavioral Health w/resolution
CCM 12/23/2024