

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, APRIL 09, 2024**

MINUTE ORDER NO. 19

**SUBJECT: UPDATE ON READINESS FOR CHANGES TO INVOLUNTARY
BEHAVIORAL HEALTH TREATMENT IN SAN DIEGO COUNTY
(DISTRICTS: ALL)**

OVERVIEW

On October 10, 2023, Governor Newsom signed into law Senate Bill (SB) 43. SB 43 amends the Lanterman-Petris-Short Act and significantly expands the definition of “gravely disabled”, by including severe substance use disorder as an allowable category for someone to be compelled into involuntary behavioral health evaluation and treatment, and if clinical standards are met, placed under conservatorship. This law also expands the criteria that can be considered in determining whether a person, because of their behavioral health condition, is unable to meet their personal needs, to include “personal safety” and “necessary medical care”. Other significant changes brought forth through SB 43 include the expansion of the array of testimony that can be submitted into conservatorship proceedings without requiring in-person cross examination; a requirement that counties consider less restrictive alternatives in conducting conservatorship investigations; and expansion of State reporting requirements. Together, these updates will make new populations of individuals eligible for involuntary holds for evaluation and treatment, and in some cases, conservatorship.

On December 5, 2023 (6), the San Diego County Board of Supervisors (Board) adopted a resolution to implement SB 43 on January 1, 2025, and directed staff to establish a multi-sectoral implementation planning process inclusive of key parties and agencies impacted by and/or involved with the implementation of SB 43; add to the County of San Diego (County) 2024 State Budget Advocacy support for additional funding needed to implement SB 43, and apply for any available funding that will support implementation; and return to the Board in 90 days for an update on the implementation plan. Today’s action requests the Board receive an update on progress of the implementation plan for SB 43, which outlines key actions needed to support readiness for the changes brought forth by this major update to State law.

Today’s action supports the County vision of a just, sustainable, and resilient future for all, specifically those communities and populations in San Diego County that have been historically left behind, as well as our ongoing commitment to the regional *Live Well San Diego* vision of healthy, safe, and thriving communities. This will be accomplished by providing the necessary resources and infrastructure needed to ensure all individuals with behavioral health needs have the best possible outcomes.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Receive the 90-day update on Senate Bill 43 implementation plan as directed by the San Diego County Board of Supervisors on December 5, 2023 (6).

EQUITY IMPACT STATEMENT

Senate Bill (SB) 43 introduces major changes that influence the rights of people with severe substance use disorder (SUD), and how they interface with the healthcare system, local law enforcement, and other facets of our communities. Aspects of the legislation may support a more equitable healthcare landscape by focusing on expanding access to treatment rather than punitive measures; considering less restrictive alternatives to treatment before conservatorship; and considering personal safety and necessary medical care as elements of well-being. However, much care must be taken in implementing the legislation to ensure that the dignity and autonomy of individuals with severe SUD are at the center of the conversation and that the application of involuntary treatment is equitably applied across demographic groups.

The County of San Diego is facilitating an inclusive, multi-sectoral planning process for Involuntary Behavioral Health Treatment (implementing SB 43) to ensure a thoughtful, rights-based approach that prioritizes the dignity and autonomy of individuals and invites community stakeholders into the conversation. The approach outlined in this Board action represents a collaborative, community-driven effort to address the behavioral health needs of our community members.

SUSTAINABILITY IMPACT STATEMENT

Today's action supports the County of San Diego Sustainability Goal #1 to engage the community in meaningful ways and continually seek stakeholder input to foster inclusive and sustainable communities. The implementation of SB 43 as outlined in this San Diego County Board of Supervisors action is designed to ensure that implementation is informed by the community including those with lived experience. Today's action also supports the County of San Diego Sustainability Goal #2 to provide just and equitable access to County services, by supporting efforts to create parity and integration amongst mental health and substance use as disciplines within behavioral health.

FISCAL IMPACT

There is no fiscal impact associated with the recommendation to receive an update on Senate Bill 43 (SB 43).

On February 27, 2024 (11), the San Diego County Board of Supervisors (Board) approved bridge funding totaling \$15 million from the American Rescue Plan Act (ARPA) Evergreen component to fund costs to support SB 43 implementation. Funds for the initial implementation of SB 43 are included in the Fiscal Year (FY) 2023-24 Operational Plan. It is estimated that the initial implementation of SB 43 will result in estimated costs and revenue of up to \$0.4 million in FY 2023-24 and \$14.6 million in FY 2024-25. The funding source for the initial costs will be ARPA funds for costs that can be obligated before December 31, 2024, and General Purpose Revenue through the lost revenue strategy for programs that cannot be obligated before the end of 2024. As part of future updates to the Board, staff will outline recommended investments for remaining amounts from the SB 43 ARPA Evergreen component and request mid-year action to adjust the budget if necessary and/or incorporate in future budgets. At this time, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Anderson, the Board of Supervisors took action as recommended.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter