

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM: 3.47
(ID # 23715)**

MEETING DATE:
Tuesday, December 12, 2023

FROM : RUHS-BEHAVIORAL HEALTH:

SUBJECT: RIVERSIDE UNIVERSITY HEALTH SYSTEM - BEHAVIORAL HEALTH: Adopt Resolution No. 2024-013 to Authorize the Director of Behavioral Health to Defer the Implementation of Senate Bill 43 (Eggman) until January 1, 2026, All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2024-013 authorizing the Director of Behavioral Health, on behalf of the County of Riverside, to defer the implementation of Senate Bill 43 (Eggman) until January 1, 2026, while also reserving the option to implement prior to January 2026 based on a review of Behavioral Health programmatic capacity in January 2025 by RUHS-BH leadership.


ACTION:Policy


Matthew Chang, Director 12/6/2023

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Gutierrez, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: December 12, 2023
xc: RUHS-Behavioral Health

Kimberly A. Rector
Clerk of the Board
By: 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment: No	
			For Fiscal Year: 23/24-25/26	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On October 10, 2023, Senate Bill 43 (Eggman) (SB 43) was signed into law with the intention to expand the Lanterman-Petris-Short (LPS) Act to apply more broadly to individuals with a “severe” Substance Use Disorder (SUD). The LPS Act (Welfare and Institutions Code section 5100, et seq.) provides for the evaluation 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. The passing of SB 43 makes several significant changes to the State’s involuntary detention and conservatorship laws under the LPS Act by:

1. Expanding the State’s “gravely disabled” criteria to allow for the involuntary detention and conservatorship of individuals on the basis of a standalone “severe” SUD or co-occurring mental health disorder and severe SUD;
2. Expanding the definition of grave disability to include individuals who are unable to provide for their basic personal need for personal safety or necessary medical care;
3. Defining “necessary medical care” to mean care that a licensed health care 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;
4. Modifying hearsay evidentiary standards for conservatorship hearings to expand the array of testimony that can be submitted into conservatorship proceedings without requiring in-person cross examination; and
5. Requiring counties consider less restrictive alternatives such as assisted outpatient treatment (AOT) and Community Assistance, Recovery and Empowerment (CARE) Court in conducting conservatorship investigations.

SB 43 goes into effect on January 1, 2024, however, it includes an option for counties to delay implementation until January 1, 2026, with the passage of a Board Resolution. This bill will have significant impacts on multiple systems, including Riverside University Health System-Behavioral Health (RUHS-BH), Public Guardian, the County Superior Courts, Public Defender’s Office, hospitals, Patient Rights Advocates, Substance Use Disorder providers, and law enforcement, among others. RUHS-BH intends to do stakeholder review during the deferment period to determine if implementation prior to January 2026 is beneficial. To implement SB 43, a

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significant amount of policy would need to be developed to support implementation, in addition to investments in workforce, training, education, public awareness, and the build out of Court/legal, and treatment infrastructure. Notably, SB 43 also expands reporting requirements to align with the new criteria.

Therefore, RUHS-BH is requesting that the Board of Supervisors approve and adopt Resolution 2024-013 authorizing the Director of Behavioral Health to defer the implementation of SB 43 until January 1, 2026, or sooner if conditions allow, so County departments have an opportunity to develop the infrastructure required to meet the needs set forth in the bill.

Impact on Citizens and Businesses

By expanding LPS to capture any person who has a severe SUD, this change in policy would significantly expand the portion of the population potentially subject to detention and conservatorship under LPS from around 1% to around 10% of the population.

Additional Fiscal Information

RUHS-BH and affected Departments will need additional lead-time to arrange the staffing and resources necessary to support implementation. SB 43 does not come with dedicated funding to support these expanded obligations, additionally, the State does not fund Public Guardians, designated individuals to conduct assessments, or Patient's Rights Advocates needed to make determinations, conduct investigations, and manage conservatorships. Further, SB 43 will not provide funding for expanded treatment services for SUD, mental health, or new physical health providers necessary to evaluate grave disability on the basis of failing to meet basic medical needs.


Jacqueline Ruiz, Sr. Management Analyst 12/6/2023


Gregg Gu, Chief Deputy County Counsel 12/6/2023

**RESOLUTION NO. 2024-013 OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF RIVERSIDE DEFERRING IMPLEMENTATION OF THE
CHANGES MADE TO WELFARE AND INSTITUTIONS CODE SECTION 5008
BY SENATE BILL 43 (2023-2024 REG SESSION)**

WHEREAS, the Lanterman-Petris-Short (LPS) Act (Welfare and Institutions Code section 5100, et seq.) provides for the evaluation 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; and

WHEREAS, Senate Bill 43 (2023-2024 Reg. Session), Statutes 2023, Chapter 637 (SB 43), signed by the Governor on October 10, 2023, expands the definition of gravely disabled to include a person who, as a result of a mental health disorder, a severe substance use disorder, or a co-occurring mental health disorder and a severe substance use disorder, or as a result of impairment by chronic alcoholism, is unable to provide for their basic personal needs for food, clothing, shelter, personal safety, or necessary medical care; and

WHEREAS, this expanded definition of gravely disabled becomes effective on January 1, 2024; and

WHEREAS, the responsibility for administering the LPS system falls largely with counties; and

WHEREAS, SB 43's expansion of the definition of grave disability will require a 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 SUD treatment to successfully meet the conservatorship needs of the population; and

WHEREAS, the breadth of that effort requires more time than SB 43's effective date allows; and

WHEREAS, in recognition of this, Welfare and Institutions Code section 5008, subdivision (h)(4), as enacted by SB 43, provides that a county, by adoption of a resolution of its governing body, may elect to defer implementation of the changes made to this section by SB 43 until January 1, 2026, or sooner at the discretion of the Riverside University Health System-Behavioral Health leadership, thereby postponing implementation of the new definition of grave disability.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors for County of Riverside as follows:

1. Pursuant to Welfare and Institutions Code section 5008, subdivision (h)(4), as enacted by SB 43, the County of Riverside hereby elects to defer implementation of the changes made by that bill to Welfare and Institutions Code section 5008 until January 1, 2026.
2. This Resolution shall go into effect on January 1, 2024.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing Resolution was passed and adopted by the Board of Supervisors of the County of _____, State of California, this ___ day of _____, 2023 by the following vote:

AYES:

NOES:

ABSENT:

RECUSAL:



Chair of the Board of Supervisors
Kevin Jeffries

(SEAL)
ATTEST:  _____, Deputy
Clerk, Board of Supervisors
Kimberly Rector

ROLL CALL:

Ayes: Jeffries, Washington, Spiegel, Perez, and Gutierrez
Nays: None
Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

KIMBERLY A. RECTOR, Clerk of said Board

By:  _____
Deputy

12.12.2023 3.47