

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF SENATE BILL 43
(EGGMAN, D-STOCKTON)

RESOLUTION FOR DEFERRING
IMPLEMENTATION OF THE CHANGES
MADE TO WELFARE AND INSTITUTIONS
CODE SECTION 5008 BY SENATE BILL
43 (REG SESSION 2023-2024).

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, SB 43's expansion of LPS criteria to include individuals with 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 based on SUD prevalence estimates; and,

WHEREAS, SB 43 will require counties to develop criteria for a "severe SUD" grave disability assessment, as no such assessment currently exists as well as protocols for designating individuals to perform severe SUD grave disability assessments and to recruit and hire staff to perform severe SUD grave disability assessments;

WHEREAS, SB 43 expands LPS criteria to include an assessment of whether an individual is unable to survive safely in community or provide for necessary medical care without involuntary detention, counties will need to develop policies and procedures for how these determinations will be made, along with qualified licensed health care providers; and,

WHEREAS, In addition, hospitals will be without qualified designated individuals to perform the assessments needed to remove involuntary holds, when appropriate, or recommend conservatorship

1 when appropriate and because there is currently no locked treatment capacity for individuals with severe
2 SUD and limited capacity for co-occurring medical conditions, local hospital emergency departments will
3 be impacted by additional individuals who are boarding in the absence of this new treatment capacity;
and,

4 **WHEREAS**, SB 43 will expand the demand for Fresno County public guardians, Patient Rights
Advocates, County Counsel, and Fresno County behavioral health staff and treatment providers; and,

5 **WHEREAS**, SB 43 will require the build out of new and novel treatment capacity such as locked
6 SUD treatment facilities which currently do not exist in California; and,

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

8 **WHEREAS**, in recognition of this, Welfare and Institutions Code section 5008, subdivision (h)(4),
9 as enacted by SB 43, provides that Fresno County, by adoption of a resolution of its governing body,
10 may elect to defer implementation of the changes made to this section by SB 43 until January 1, 2026,
thereby postponing implementation of the new definition of grave disability.

11 **NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of Supervisors for County of
Fresno as follows:

12 1. Pursuant to Welfare and Institutions Code section 5008, subdivision (h)(4), as enacted by SB
13 43, the County of Fresno hereby elects to defer implementation of the changes made by that
14 bill to Welfare and Institutions Code section 5008 until January 1, 2026.

15 2. This Resolution shall go into effect on January 1, 2024.

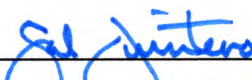
16 THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors of
the County of Fresno this 12th day of December, 2023, to wit:

17 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

18 NOES: None

19 ABSENT: None

20 ABSTAINED: None

21
22 


23 Sal Quintero, Chair of the Board of Supervisors of
the County of Fresno

24 **ATTEST:**

Bernice E. Seidel

25 Clerk of the Board of Supervisors

26 County of Fresno, State of California

27 By: 
28 Deputy