



RESOLUTION No. 23-613

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA 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, significantly 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, the expansion of the definition of grave disability will require a significant effort by the County in building and expanding the treatment, workforce, delivery networks, housing capacity and models for locked treatment settings or models of care for involuntary Substance Use Disorder (SUD) treatment to successfully meet the conservatorship needs of the population; and

WHEREAS, the expansion of LPS criteria to include individuals with a severe SUD would significantly expand the portion of the population potentially subject to detention and conservatorship under LPS; and

WHEREAS, SB 43 requires counties to develop criteria for “severe SUD” grave disability assessments, to create protocols for assessments, and to recruit and hire county staff to perform them; and

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 protocols for qualified licensed health care providers; and,

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

WHEREAS, SB 43 will expand the demand for county Public Guardians, Patient Rights Advocates, County Counsel, and county behavioral health staff and treatment providers; and,

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

WHEREAS, the breadth of that effort requires more time than SB 43's effective date of January 1, 2024 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 these changes until January 1, 2026, thereby postponing implementation of the new definition of grave disability.

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

1. Pursuant to Welfare and Institutions Code section 5008, subdivision (h)(4), as enacted by SB 43, the County of Nevada 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.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 5th day of December, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: *Jul*

The II, deputy COB

Edward C. Scofield
Edward C. Scofield, Chair