

SB 43 Overview Meeting

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Behavioral Health Services

Vanessa Thomas, LCSW
Mark Davis, PsyD



➤ **Introductions**

➤ **Review of Regulation Changes**

➤ **Planning Updates**

➤ **Q & A**

Agenda

Overview of Senate Bill (SB) 43



- Most significant reform to the LPS Act since it was enacted in 1967.
- **Significantly expands California’s criteria for involuntary detention and conservatorship by creating a new set of eligibility criteria that are based solely on a person’s mental health disorder or “severe” substance use disorder (SUD), if that disorder will result in someone being unable to provide for their basic needs of food, clothing, shelter, personal safety or necessary medical care.**
- Impacts adult population only
- Signed into law Oct 2023 but allows counties to delay implementation of the new grave disability criteria until 1/1/26 through adoption of a county board resolution. On 12/5/23 the BOS of Orange County voted to approve said resolution with a 4-1 vote.

Overview of Senate Bill (SB) 43



Portions of SB 43 effective 1/1/24:

- Allows health records to be used as evidence in LPS conservatorship proceedings, ensuring individuals can be conserved without requiring testimony from their treating team.
- Requires counties to consider less restrictive alternatives such as assisted outpatient treatment (AOT) and CARE Court in conducting conservatorship investigations; and all other less restrictive alternatives.

New reporting requirements effective 5/1/24:

- # placed on holds or conservatorships due to:
 - Danger to self
 - Danger to others
 - GD due to MH
 - GD due to SUD
 - GD due to Co-occurring MH SUD

Revised Definition of Grave Disability



Current grave disability definition: 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.

NEW* grave disability definition under SB 43:** A condition in which a person, as result of a mental health disorder, **severe substance use disorder or a co-occurring mental health disorder and severe substance use disorder, is at risk for serious harm or currently experiencing serious harm as a result of being unable to provide for their basic needs of food, clothing, shelter, **personal safety*** or **necessary medical care***.

**New/expanded criteria to meet grave disability under SB 43*

Definition of Severe Substance Use Disorder



DSM-5 TR Criteria for SUDs



Mild:

2-3 symptoms

Moderate:

4-5 symptoms

Severe:

6+ symptoms

1. Taking the substance in larger amounts or for longer than you're meant to
2. Wanting to cut down or stop using the substance but not managing to
3. Spending a lot of time getting, using, or recovering from use of the substance
4. Cravings and urges to use the substance
5. Not managing to do what you should at work, home, or school because of substance use
6. Continuing to use, even when it causes problems in relationships
7. Giving up important social, occupational, or recreational activities because of substance use
8. Using substances again and again, even when it puts you in danger
9. Continuing to use, even when you know you have a physical or psychological problem that could have been caused or made worse by the substance
10. Needing more of the substance to get the effect you want (tolerance)
11. Development of withdrawal symptoms, which can be relieved by taking more of the substance

Definition of Severe Substance Use Disorder

“Severe” SUD is defined as a diagnosed substance-related disorder that meets the diagnostic criteria of “severe” according to the most current version of Diagnostic and Statistical Manual of Mental Disorders (DSM-5) at the time of the evaluation for involuntary detention.

Importantly, non-clinicians who are LPS designated to place holds (e.g., law enforcement) are not expected to make a DSM diagnosis for a SUD but simply need to describe the **observable** behavior or conditions that justify a 5150 being placed due to a severe SUD, which should include and be consistent with the DSM criteria noted above and which would meet probable cause for detaining someone due to a severe SUD.

Definition of Personal Safety



“Personal safety” means the ability of one to survive safely in the community without involuntary detention or treatment pursuant to [the LPS Act].

Indications of Grave Disability: Personal Safety



The following are examples; **not an exhaustive list**. One incident alone would not automatically meet the standard to detain a person. These examples must be significant and severe enough to cause serious bodily injury or death and must be related to a severe mental illness or severe SUDs but not some form of dementia.

- Placing oneself in harm's way in traffic that risk their own life or those of others.
- An individual incapable of defending themselves against ongoing victimization due to a lack of awareness of their vulnerability.
- Severe impaired judgement resulting in risky situations that threaten the person's own life or those of others.
- Unhygienic/uninhabitable living conditions or behaviors which are so severe and significant to contribute to an unsafe physical environment. Poor hygiene alone and/or being unhoused is not sufficient.
- Repeated severe substance use that is medically life-threatening, for example, multiple near-fatal overdoses requiring medical intervention.

Definition of Necessary Medical Care



“Necessary medical care” means care that a licensed health care practitioner, while operating within the scope of their practice, determines to be necessary to prevent serious deterioration of an existing physical medical condition which, if left untreated, is likely to result in serious bodily injury as defined in W&I Code § 15610.67.

Indications of Grave Disability: Necessary Medical Care



The following are examples; **not an exhaustive list**. These observable functioning impairments must be resulting in a serious deterioration of an existing physical medical condition which, if left untreated, is likely to result in serious bodily injury or the person's inability to survive safely in the community without involuntary detention or treatment.

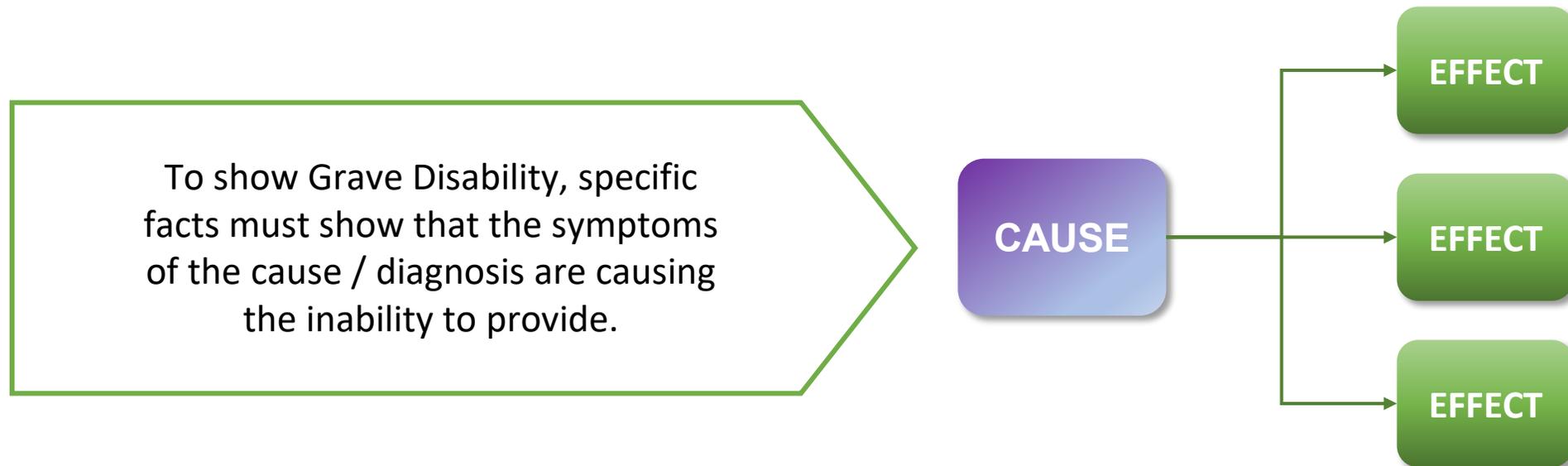
Necessary Medical Care – due to mental health and/or severe substance use disorder:

- Signs of significant malnourishment (loss of weight or dehydration) which puts the individual's life or long-term functioning at risk.
- Perceived cognitive and/or emotional impairment resulting in a lack of decision-making capacity to pursue medical treatment for life-threatening conditions in the moment including but not limited to: Inability to utilize medical care when needed and available.
- Wound care and infection issues that are likely to lead to loss of limb or life if not treated.

Identifying Grave Disability for Involuntary Holds

The two main legal criteria that MUST be connected to show "cause" and "effect":

- **Cause (the diagnosis):** Mental Health Disorder OR Severe Substance Use Disorder OR Mental Health + Substance Use Disorder.
- **Effect:** Inability to provide for food, clothing, shelter, personal safety OR necessary medical care.



- Signed by the Governor September 2024
- Companion bill to help implement SB 43
- Expands the types of facilities DHCS can designate
- Requires DHCS to issue guidance regarding Medi-Cal reimbursement for covered Medi-Cal services provided to an individual receiving involuntary treatment for a severe substance use disorder
- Requires DHCS to convene stakeholder representatives to establish updated regulations to develop LPS designation requirements for facilities serving the expanded population
- Establishes minimum requirements for these regulations
- Establishes time for regulations to be adopted to be no later than December 31, 2027

Overview of SB 1238



SB 1238:

List of Expanded Designated Facility Types



- **Psychiatric health facilities** licensed by the State Department of Health Care Services (DHCS).
- **Psychiatric residential treatment facilities** licensed by DHCS.
- **Mental health rehabilitation centers** licensed by DHCS.
- Provider sites certified by DHCS or a Mental Health Plan to provide **crisis stabilization**.
- **General acute care hospitals** licensed by the State Department of Public Health (CDPH).
- **Acute psychiatric hospitals** licensed by CDPH.
- **Chemical dependency recovery hospitals** licensed by the CDPH.
- **Hospitals operated by the United States Department of Veterans Affairs.**

SB 1238: Minimum Requirements for SUD



- Minimum substance use disorder related service requirements with sufficient substance use disorder staff to maintain appropriate substance use disorder only and cooccurring disorder programs, treatment setting, services, and safety measures, based on the individual patient's substance use disorder needs.
- Standards for offering medications for addiction treatment (MAT) or an effective referral process in place with narcotic treatment programs, community health centers, or other MAT providers.
- Length of stay standards consistent with evidence-based care for substance use disorders.
- Discharge planning for substance use disorder services, consistent with existing requirements.

SB 1238: Minimum Requirements for SUD



- Privacy and data sharing requirements, including, but not limited to developing guidance and tools to facilitate data sharing for care coordination and discharge purposes.
- The process for transitioning and assisting designated facilities to meet updated regulatory requirements, including, but not limited to, providing substance use disorder services.
- Systems of public accountability and oversight that include, but are not limited to, readiness to meet, and ongoing maintenance of, required standards for staffing, facilities, and care established pursuant to this section.

Planning Updates



- HCA Needs Assessment Survey completed in 2024
- Invited input from Hospitals, Law Enforcement Agencies and the Public Guardian
- Surveyed Resource Capacity and Concerns

Statewide Planning



- Statewide workgroup developing guidelines and tools for implementing SB 43
- Input sought from California Hospital Association (CHA) and the California Association of Public Administrators, Public Guardians, and Public Conservators (PA/PG/PC)
- Established proposed guidelines for defining Severe Substance Use Disorder, Medical and Personal Safety criteria
- Feedback from early adopters

OC SB 43 Planning



→ BHS Planning Meeting Focus:

- Community Education and Collaboration
- Training
- Treatment Continuum
- Staffing

SUD Training Resources



- Hazelden Training Program
 - The Impacted Brain: Substances, Mental Health, and Recovery
 - Pharmacotherapy for Opioid and Alcohol Use Disorders
 - Trauma Informed Care Training
 - CBT: Cognitive Behavioral Therapy
 - Motivational Interviewing Beyond the Basics
 - Medications for SUD Training (online)
 - MOUD & After-hours calls (online)
 - Naloxone Training (online)
- MAT Training/CME Opportunities
 - Providers Clinical Support System (PCSS) [Medications for Opioid Use Disorder \(MOUD\) - PCSS-MOUD](#)
 - 8-hour MOUD Training
 - UCLA Opioid and Stimulant Implementation Support Training and Technical Assistance (OASIS-TTA) [Opioid and Stimulant Implementation Support - Training and Technical Assistance \(OASIS-TTA\)](#)
 - On-Demand Learning Opportunities Catalog
 - Opioid Response Network [Events - Opioid Response Network](#)
 - American Society of Addiction Medicine (ASAM) [ASAM eLearning: Home](#)
 - American Academy of Addiction Psychiatry (AAAP) [Upcoming Webinars - AAAP](#)

OC SB 43 Community Education and Collaboration



→ Presentations/Updates provided to:

- OC Sheriff Dept
- OC Chief of Police and Sheriffs Association
- Hospital Association of Southern CA (HASC)
- Behavioral Health Advisory Board (BHAB)
- Orange County Public Guardians Office (OCPG)
- Crisis Intervention Team Steering Committee (CIT)
- Designated Facilities Meeting
- Contract Hospital Provider Meeting
- OC Judges

OC SB 43 First Responder Planning Meetings



→ CIT Steering Committee subgroup:

- SB 43 First Responder Training video modules
- Scenario Based Training
- SB 43 Field Quick Pocket Guide

Field Quick Pocket Guide



Quick Pocket Guide
Updates to
LPS Grave Disability

Observable considerations for grave disability (GD) due to mental health symptoms and/or a severe substance use disorder:

- Unable to articulate a plan for food, clothing, shelter
- Irrational beliefs about food that is available or offered (e.g. poisoned)
- Inability to engage in personal hygiene
- Refusal to utilize food, clothing, shelter when offered resources
- Urinating or defecating on oneself
- Impacted speech: tangential, rambling, difficult to understand (e.g. "word salad")
- Violent or threatening statements
- Fluctuation between calm and agitation
- Creating a public disturbance
- Yelling obscenities, screaming
- Paranoid or delusional thought content
- Disorganized thought content
- Catatonic/blank stare
- Hallucinating (talking to, hearing voices, responding to unseen others)

In accordance with SB-43, additional observable factors to consider for GD determinations:

Severe Substance Use

- Overwhelming odor of alcohol or marijuana
- Dilated or constricted pupils/bloodshot or watery eyes
- Eyes wide open or droopy, heavy lidded, nodding off
- Unsteady gait/slurred speech/unable to walk or stand by oneself/fumbles simple tasks
- Scratching, picking or clawing at skin (e.g. noticeable sores on face, hands or arms)
- Unintelligible speech: loud, yelling, slurring words
- Multiple/pattern of contacts for similar presentation (intoxication) in 12-month period

Neglecting to seek/obtain Necessary Medical Care

Not seeking or obtaining necessary medical care due to mental health symptoms and/or substance use

- Uncontrollable vomiting
- Diminished responsiveness or loss of consciousness
- Potential loss of limb(s) due to untreated condition

Neglecting to seek/obtain Necessary Medical Care (continued)

- Uncontrolled bleeding/Coughing or vomiting blood
- Cold/Clammy skin
- Seizure/convulsions
- Complaint of severe pain or severe injury
- Non-healing wound, wound care or potential infection
- Extreme or profuse sweating
- Disclosure of untreated medical conditions causing risk for serious harm

**Neglecting Personal Safety:
Not tending to personal safety due to mental health symptoms and/or substance use**

- Wandering, walking or running in and out of traffic
- Unhygienic/uninhabitable conditions at home or other home safety issues such as not attending to appliances (e.g., leaving the stove on) due to intoxication or mental health symptoms
- Inability to care for hygiene and cleanliness which could or has led to illness
- Hoarding to an extreme causing safety concerns or hazardous (dangerous) conditions

OC SB 43 Website



→ [California Senate Bill 43 \(SB43\) | Orange County California - Health Care Agency](#)

- What is SB 43?
- Grave Disability Observations
- Severe SUD
- Necessary Medical Care and Personal Safety
- FAQs
- Training Videos

OC SB 43 Mailbox



→ SB43@ochca.com

- Inquiries will be responded to and posted on SB 43 website FAQs

OC SB 43 Training



→ LPS Designation Training

- LPS Designation Training Revision
- Training County and Contract Provider LPS staff
- Training Designated Facility LPS Trainers
- New 5150 form

→ SUD Training

- County and Contract Provider staff

OC SB 43 Treatment Continuum



→ Treatment Continuum

- Initial Receiving Sites for the Expanded Population
- Treatment Sites
- Placement Sites



Questions?

Thank you!



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Behavioral Health Service Line

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