

# County of Monterey



## Board of Supervisors

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September 25, 2023

The Honorable Gavin Newsom  
Governor  
State of California  
1020 N Street, Suite 9000  
Sacramento, Ca 95814

**Re: SB 43 (Eggman) Behavioral Health. – REQUEST VETO**

Dear Governor Newsom:

The County of Monterey regrets to inform you of our opposition to Senate Bill (SB) 43 by Senator Eggman and requests your veto on this measure. This bill would expand the definition of “gravely disabled,” for purposes of involuntarily detaining an individual, as a condition that will result in substantial risk of serious harm, as defined, to the physical or mental health of an individual due to a mental health or substance use disorder (MH/SUD).

The County of Monterey recognizes that many individuals with MH/SUDs fail to receive necessary medical treatment because of the narrow legal definition of the term “gravely disabled” but we have strong concerns about the impact this bill will have on county resources and community medical resources, not just in Monterey but across the state. SB 43 will mandate changes that include an increased workload on law enforcement, public guardians, courts, health care, and behavioral health workforce, which are already strained under new laws and responsibilities aimed at mitigating the impact of homelessness in the state (such as CARE Court) without providing counties with the necessary resources to meet the new mandates.

We are concerned about the chronic underinvestment of ongoing support in public and private treatment resources, housing facilities, and public guardians to absorb millions of individuals into the health care system who will likely need expensive, long-term care. Counties specialize in providing a full continuum of prevention, outpatient, intensive outpatient, crisis and inpatient, and residential MH/SUD primarily to low-income Californians who have Medi-Cal or are uninsured. There needs to be a guarantee of sufficient funding to cover the increased costs necessary to humanely meet the needs of the population who will be impacted by the expanded definition.

In addition, counties also have responsibility for involuntary commitments under the Lanterman-Petris-Short (LPS) Act. The LPS Act was established to end the inappropriate, indefinite, and involuntary commitment of persons with MH disorders, developmental disabilities, and chronic alcoholism, as well as to safeguard a person’s rights, provide prompt evaluation and treatment, and provide services in the least restrictive setting appropriate to the needs of each person.

Currently there are insufficient treatment beds already for the existing LPS Conservatees with mental health conditions. There is almost no capacity for LPS Conservatee placements for SUD conditions. This would result in lengthy stays in hospital emergency departments, impacting a hospital's ability to care for the acute health needs of others. Additional infrastructure resulting in appropriate treatment bed creation is a necessary pre-requisite for this change.

For these reasons, the County of Monterey opposes SB 43 and requests your veto on this measure. Should you have any questions, please feel free to contact the County's Public Policy Advisor, Ashley Walker of Nossaman LLP at 916-442-8888.

Sincerely,

A handwritten signature in blue ink, appearing to read "Luis A. Alejo".

LUIS A. ALEJO  
Chair, Board of Supervisors

Cc: The Honorable Senator Susan Talamantes Eggman, Author  
Angela Pontes, Deputy Legislative Secretary, Office of Governor Gavin Newsom  
Hon. Anna Caballero, 14<sup>th</sup> Senate District  
Hon. John Laird, 17<sup>th</sup> Senate District  
Hon. Robert Rivas, 29<sup>th</sup> Assembly District  
Hon. Dawn Addis, 30<sup>th</sup> Assembly District  
California State Association of Counties  
Rural Counties Representatives of California