



# COUNTY OF HUMBOLDT

For the meeting of: 8/8/2023

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File #: 23-1027

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**To:** Board of Supervisors

**From:** DHHS: Behavioral Health

**Agenda Section:** Consent

**Vote Requirement:** 4/5th

**SUBJECT:**

Resolution Rescinding Resolution No 19-122 Authorizing the Application of California Welfare and Institutions Code Section 5151 to Interpret the 72-Hour Clock to Start Upon Admittance to Designated Inpatient Psychiatric Facility, Sempervirens (4/5<sup>th</sup> Vote Required)

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Adopt the attached resolution rescinding resolution no 19-122 (4/5<sup>th</sup> Vote Required)

**SOURCE OF FUNDING:**

Behavioral Health Fund (1170)

**DISCUSSION:**

The Lanterman-Petris-Short Act, Chapter 2, Article 1, as codified at California Welfare and Institutions Code sections 5150-5155, sets forth a process permitting the detention of mentally disordered persons for evaluation and treatment.

The County of Humboldt's previous resolution regarding the application of California Welfare and Institutions Code section 5151 interpreted the initial 72-hour clock per Welfare and Institutions Code section 5150 to start upon admittance to the designated inpatient psychiatric facility, Sempervirens. This resolution must now be rescinded due to amendments to the applicable laws.

Assembly Bill (AB) 2275 was passed into law on September 30, 2022, and implemented on January 1, 2023. This bill eliminated conflicting language previously found in Welfare and Institutions Code sections 5150 and 5151, to specify that the 72-hour period of detention begins at the time when the person is first detained. With this change, the Legislature has acknowledged, for the first time, that California counties have an insufficient number of inpatient psychiatric facilities to immediately evaluate and treat individuals detained, and that individuals are therefore being detained in non-designated Emergency Departments while waiting for a psychiatric treatment bed to be available. AB

2275 was meant to unify how California counties determine the start time of involuntary detentions and provide due process protection for individuals on involuntary holds while they are waiting in non-designated Emergency Departments.

The Board's adoption of the attached resolution will rescind resolution no 19-122 to clarify that the County of Humboldt is complying with changes in the law by providing remote hearings at the non-designated Emergency Departments and starting the Welfare and Institutions Code section 5150 clock when the person is first detained.

FINANCIAL IMPACT:

**Narrative Explanation of Financial Impact:**

At this time, there is no financial impact anticipated in proposed FY 2023-24 budget for DHHS-Behavioral Health, Sempervirens budget unit 1170495. Behavioral Health will continue to collect data to determine if this resolution results in an unexpected increase in hearings and their associated cost. If additional expenditures are incurred, DHHS-Behavioral Health will pursue reimbursement under Proposition 30 as an unfunded mandate.

**Narrative Explanation of Staffing Impact:**

There is no impact anticipated in the FY 2023-24 staffing for Behavioral Health.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework priority of protecting vulnerable populations and improving the safety and health of our communities.

OTHER AGENCY INVOLVEMENT:

Hospital Emergency Departments

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board can choose not to approve this resolution; however, DHHS does not support this alternative because this would be inconsistent with the amended language of the law.

ATTACHMENTS:

1. Resolution No 19-122 Authorizing the Application of California Welfare and Institutions Code Section 5151 to Interpret the 72 Hour Clock to Start Upon Admittance to Designated Inpatient Psychiatric Facility, Sempervirens
2. Resolution Rescinding Resolution No 19-122 Authorizing the Application of California Welfare and Institutions Code Section 5151 to Interpret the 72 Hour Clock to Start Upon Admittance to Designated Inpatient Psychiatric Facility, Sempervirens

PREVIOUS ACTION/REFERRAL:

Board Order No.: C-15; B-2; C-10; C-21

Meeting of: 07/24/2007; 12/17/2013; 09/15/2015; 12/16/2019

File No.: 17-0550; 16-0666; 15-1005; 19-1641