

1 [Supporting California State Senate Bill Nos. 43 and 363 (Eggman) - Legislation Modernizing
2 Our Behavioral Health Continuum]

3 **Resolution urging the California State Legislature to pass California State Senate Bill**
4 **Nos. 43 and 363, introduced by California Senator Susan Eggman to amend the**
5 **Lanterman-Petris-Short Act and Chapter 2 of Division 2 of the Health and Safety Code.**
6

7 WHEREAS, California State Senate Bill Nos. 43 and 363 constitute a pair of bills
8 introduced by Senator Susan Eggman to improve California’s behavioral health system by
9 requiring the State Department of Health Care Services to develop a real-time database to
10 display information about beds in specified types of facilities and updating the outdated
11 definition of “grave disability” signed into law by Governor Reagan; and

12 WHEREAS, These bills would reform California’s response to the behavioral health
13 needs of individuals suffering from severe mental illness; and

14 WHEREAS, The effects of California’s failure to provide adequate mental health care
15 for this population is reflected in the fact that a majority of the unhoused, unsheltered people
16 living on San Francisco’s streets suffer from some sort of psychiatric condition, addiction, or
17 both, and our local psychiatric emergency services are on diversion over 40% of the time; and

18 WHEREAS, SB 43 would amend the Lanterman-Petris-Short Act to expand the
19 definition of “gravely disabled” to also include a condition that will result in substantial risk of
20 serious harm to the physical or mental health of a person due to a mental health disorder or a
21 substance use disorder; and

22 WHEREAS, The bill defines “serious harm” for purposes of these provisions to mean
23 significant deterioration, debilitation, or illness due to a person’s inability to carry out specific
24 tasks, including, among other things attending to needed personal or medical care and self-
25 protection or personal safety; and

1 WHEREAS, Existing law establishes the hearsay rule, under which evidence of a
2 statement is generally inadmissible if it was made other than by a witness while testifying at a
3 hearing and is offered to prove the truth of the matter stated; and

4 WHEREAS, Existing law sets forth exceptions to the hearsay rule to permit the
5 admission of specified kinds of evidence; and

6 WHEREAS, Under SB 43, for purposes of an expert witness in any proceeding relating
7 to the appointment or reappointment of a conservator, the statements of specified health
8 practitioners or a licensed clinical social worker included in the medical record would not be
9 hearsay; and

10 WHEREAS, SB 363 would require the State Department of Health Care Services, in
11 consultation with the State Department of Public Health and the State Department of Social
12 Services, to develop a real-time, internet-based dashboard to collect, aggregate, and display
13 information about beds in specified types of facilities; and

14 WHEREAS, The bill would require the dashboard to display information about chemical
15 dependency recovery hospitals, acute psychiatric hospitals, and mental health rehabilitation
16 centers, among other types of facilities ; and

17 WHEREAS, The bill would require the database to include minimum specific
18 information, including the contact information for a facility’s designated employee, the types of
19 diagnoses or treatments for which the bed is appropriate, and the target populations served at
20 the facility; and

21 WHEREAS, The bill would authorize the department to impose a plan of correction or
22 assess penalties against a facility that fails to submit data accurately, timely, or as otherwise
23 required and would establish a process for facilities to appeal these penalties; and

24 WHEREAS, From 1959 to 1973, the number of patients in State mental hospitals
25 plummeted from 37,000 to 7,000; and

1 WHEREAS, In the years since the Lanterman-Petris-Short Act was signed into law,
2 California has continued to neglect its responsibility to manage an effective continuum of
3 behavioral health care, delegating all responsibility to counties; and

4 WHEREAS, In order to fully implement the services outlined in SB 363 and SB 43 the
5 State should allocate sufficient funding to allow municipalities to operate said services; and

6 WHEREAS, In 2022, Senator Eggman introduced a package of eight bills modernizing
7 California’s Behavioral Health Continuum; and

8 WHEREAS, On June 17, 2022, the Board of Supervisors voted to pass File 220397, a
9 resolution in support of Senate Bill Nos. 929, 965, 970, 1035, 1154, 1227, 1238, and 1416;
10 and

11 WHEREAS, SB 965 and 1416 would have expanded the definition of “grave disability”
12 and created an exemption to the hearsay rule for expert witnesses reading the statements of
13 specified health practitioners included in the medical record in any proceeding relating to the
14 appointment or reappointment of a conservator; and

15 WHEREAS, The Assembly did not pass SB 965 and 1416 during the 2022 legislative
16 session; and

17 WHEREAS, SB 43 and 363 are endorsed by the Big City Mayors coalition,
18 representing the 13 largest cities and roughly 11 million residents in California; and

19 WHEREAS, SB 43 and 363 are endorsed by the National Alliance on Mental Illness
20 California, the California State Association of Psychiatrists, and the Psychiatric Physicians’
21 Alliance of California; now, therefore, be it

22 RESOLVED, That the Board of Supervisors supports California Senate Bill Nos. 43
23 and 363; and, be it

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25

1 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
2 Board to transmit a copy of this Resolution to San Francisco's state legislative delegation, and
3 the Office of the Chief Clerk of the Assembly and Office of the Secretary of the Senate.

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