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Board Protects Local Services by Deferring SB 43

Stockton, CA – The San Joaquin County Board of Supervisors voted today to protect access to local emergency rooms and mental health service providers by delaying the implementation of the recently passed Senate Bill 43 (SB 43). SB 43 expands the definition of “gravely disabled” in specific circumstances to include individuals with a severe substance use disorder (SUD), or a mental health disorder and a SUD. Individuals with these disorders who cannot meet their basic personal needs or are unable to provide for their personal safety or necessary medical care can be required to seek treatment.

“The Board of Supervisors agrees with the idea behind SB 43 and is proud that our local State Senator authored and championed it until it became law,” commented Board Chairman Robert Rickman. “This new law is an important addition to the tools that we need to assist and treat addiction in our community. San Joaquin County has already taken steps to begin building new facilities to meet these types of needs, but construction and implementation take time. We need the State to provide us with guidance on how we can best apply this law to help the vulnerable and protect people’s civil rights while ensuring their treatment.”

Currently there are no Medi-Cal facilities anywhere in the State that are authorized for this type of required substance abuse treatment. Previously, this type of treatment could not be mandated in this way and treatment by counties was non-reimbursable for state Medi-Cal payments, which meant that local taxes would be used to pay for individuals’ treatment. If implemented now, local emergency rooms would be inundated with individuals and impact hospitals’ ability to serve the health needs of their current patients. As part of the law, counties are given the option of deferring the implementation for two years, which will allow the State to provide counties with the necessary guidance and allow counties and other health facilities to build the infrastructure necessary to help these vulnerable populations in our communities. This would allow a repayment structure to be put in place to protect local resources while using state funding for necessary treatment of addiction.

Sutter Health Director of Local Mental Health Engagement Jodi Nerell in correspondence to the Board added, “I am writing to request that the San Joaquin County Behavioral Health Plan pursue deferment on implementation of SB 43. The county, community and health systems impacted by this bill need time to build capacity, create policy/protocols and referral workflows, conduct staff training, and contract for the various levels of care needed to be able to serve the patients presenting under this expanded 5150 definition.”

Prior to implementation of SB 43 in January 2026, San Joaquin County will need to address the following:

1. Establish criteria and policies for a SUD grave disability assessment and for necessary medical care to prevent serious deterioration of an existing medical condition.
2. Establish a workforce and facilities adequate to meet the needs of a new population for involuntary detention, involuntary holds, and conservatorships.
3. Obtain state guidelines on how to Medi-Cal certify and regulate involuntary SUD treatment facilities.
4. Educate local law enforcement partners and emergency departments on newly established criteria, policies, and data collection requirements.
5. Establish additional court schedules for Riese Hearings (capacity to give consent hearing) proceedings, and placement reviews.

Behavioral Health Services (BHS) is already working on needed changes for implementation of SB 43 and is planning for the necessary changes to be in place by January 1, 2025. Completion of the first stage of the Be Well campus is planned for the end of 2025. This decision by the Board of Supervisors was based on BHS recommendations for the maximum allowable timeframe for deferment, to January 1, 2026, to allow local government departments and community agencies to complete the needed steps toward compliance. As of this morning, 30 county boards have elected to defer implementation of SB 43, with all but two counties (San Francisco and San Luis Obispo) working toward deferral before the end of the calendar year.

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The Board of Supervisors is the governing body of San Joaquin County and serves more than 779,000 residents. The Board establishes County policies, passes local ordinances, approves the budget, sets local tax rates, supports community programs, and provides many other essential services.