



RESOLUTION NO. 114-2023

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

Authorizing Dual Designation Of Lanterman-Petris-Short (LPS) Investigations to Health And Human Services Agency Behavioral Health Division and Public Guardian Office

WHEREAS, the Lanterman-Petris-Short (LPS) Act, enacted in 1967, authorizes the involuntary commitment and treatment of persons with specified mental health disorders for the protection of the persons so committed;

WHEREAS, as set forth in California Welfare and Institutions Code (WIC) Section 5351, each county or counties acting jointly under the provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the governing board shall designate the agency or agencies to provide conservatorship investigation as set forth in this chapter;

WHEREAS, effective February 1, 1983, the Health and Human Services Agency (HHS) Behavioral Health Division (previously titled the Mental Health Division) was designated by the El Dorado County Board of Supervisors (Board) as the entity to conduct LPS conservatorship investigations, as set forth forth in WIC Section 5351 (Resolution 25-83);

WHEREAS, under the LPS Act, County residents who have been assessed by a psychiatrist to meet the criteria for a severe mental illness are referred to the El Dorado County HHS Behavioral Health Division, prompting a team, including the County Mental Health Medical Director and Mental Health Clinicians, to perform LPS conservatorship investigations;

WHEREAS, LPS conservatorships are established to arrange mental health treatment and placement for people who are gravely disabled and unable to provide for their food, clothing, shelter and treatment needs as a result of a mental disorder;

WHEREAS, on September 30, 2022, Assembly Bill 2242 (AB 2242) amended the LPS Act, clarifying that counties may pay for LPS services using funds from the Mental Health Services Act (MHSA) Fund when included in county plans;

WHEREAS, the El Dorado County Board approved the Fiscal Year 2023/24 through 2025/26 Mental Health Services Act Three Year Program and Expenditure Plan (MHSA Plan) at their regular meeting on June 20, 2023 (File ID: 23-0933);

WHEREAS, the LPS Project was included in the Board adopted MHSA Plan, thereby allowing MHSA funds to be expended on support services defined within the LPS Act as defined by AB 2242. These LPS services may include the initial assessment administered by the HHS Behavioral Health Division through the final determination if an individual should be conserved or not including any treatment services administered throughout that time. MHSA may also fund care coordination, also defined by AB 2242, which supports planning for the individual's needs after determination of conservatorship is made;

WHEREAS, the El Dorado County Behavioral Health Division has limited staff resources for Mental Health Clinicians performing LPS investigations, the division determined the need to share responsibilities of LPS conservatorship investigations with the El Dorado County Public Guardian Office to enable more effective use of staff, and to allow Mental Health Clinicians to be better utilized through the provision of direct mental health services to County residents; and

WHEREAS, the El Dorado County Behavioral Health Division is requesting the Board designate the El Dorado County Public Guardian Division to also perform said LPS investigations, as allowed pursuant to WIC Section 5351, which authorizes the governing board to designate that conservatorship services be provided by the public guardian or agency providing public guardian services.

NOW, THEREFORE, BE IT RESOLVED the County of El Dorado Board of Supervisors hereby approves and authorizes that LPS investigations may be performed by the El Dorado County Public Guardian Office, in addition to El Dorado County Behavioral Health Division.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 25th day of July, 2023, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

Ayes: Thomas, Hidahl, Parlin, Laine
Noes: None
Absent: Turnboo

By: 
Deputy Clerk


Wendy Thomas, Chair, Board of Supervisors