

June 06, 2023

**MOTION BY SUPERVISORS JANICE HAHN
AND KATHRYN BARGER**

Moving Forward with Steps to Implement CARE Court in LA County

On September 14, 2022, Governor Gavin Newsom signed into law Senate Bill 1338 (Umberg/Eggman), the Community Assistance, Recovery, and Empowerment (CARE) Act, officially creating the framework for the new CARE Court program in California. CARE Court will provide upstream treatment opportunities to individuals suffering from severe mental health and/or substance use disorders by authorizing specified people, like family members, to petition a civil court to create a CARE plan for an adult who is suffering from schizophrenia spectrum and psychotic disorders and lacks medical decision-making capacity. The signing of SB 1338 will impose the CARE Court process on all counties across California in two different cohorts: the first cohort must implement CARE Court no later than October 1, 2023, and the second cohort must implement it no later than December 1, 2024.

Los Angeles County (County) was originally designated as a member of the second cohort, so the Los Angeles County Board of Supervisors (Board) passed the motion “Preparing to Implement CARE Court in LA County” (Motion) on December 20, 2022, directing the Department of Mental Health (DMH) to complete a needs analysis to prepare for CARE Court and to report back with a plan and timeline for timely implementation before the December 1, 2024 deadline. Shortly after the motion was passed, however, the State of California requested

MOTION

SOLIS _____

MITCHELL _____

HORVATH _____

BARGER _____

HAHN _____

that Los Angeles County move up our implementation of CARE Court to an earlier timeline. The County agreed to begin implementing CARE Court by December 1, 2023, one full year ahead of the originally scheduled start time.

This condensed timeline means that people with serious mental illness will be able to get the help and treatment they need through the CARE Court program sooner, beginning a road to recovery that many of their loved ones have been eagerly awaiting for years. It also means that DMH has less time than originally thought to ramp up services and prepare for the launch in December 2023. Luckily, the decision to switch to a December 2023 launch occurred shortly after the Motion was passed, so DMH was able to report back to the Board with a plan to meet the new December 1, 2023 deadline. The report back, "120-Day Report Back on Preparing to Implement Community Assistance, Recovery, and Empowerment (CARE) Court in Los Angeles County," (Report) was received on May 3, 2023, and it lays out the Department's programmatic, budgetary, and staffing needs, along with their plans to address those needs. The Report also includes a step-by-step timeline for the County to be prepared by December 1, 2023, and it includes a list of next steps to help DMH reach those milestones.

Other actions have been taken already by the state and courts to prepare for the launch of CARE Court. The courts have identified the Norwalk Courthouse to be the location of CARE Court in Los Angeles County, identifying one courtroom to begin with the goal of adding another courtroom shortly after. Additionally, Governor Newsom recently released his May Revision of the California (State) Budget, identifying State funding to go towards the implementation of CARE

Court statewide. This May Revise, although not final yet, gives the County a better idea of the funding available for local implementation including \$15 million in implementation funding specifically for LA County and ongoing limited funding for behavioral health departments statewide.

It is imperative that Los Angeles County be prepared to implement CARE Court SB 1338 in an effective and efficient manner that provides a pathway to compassionate treatment and care for some of our most vulnerable residents. While DMH will be the department leading this effort, its success will require the collaboration of many other County, local, and state entities. DMH laid out a plan and timeline in their May 3, 2023, Report that will launch CARE Court by December 1, 2023. It is important that the Board support this effort, so this motion directs the Department to move forward with the plan.

WE, THEREFORE, MOVE that the Board of Supervisors direct the Department of Mental Health (DMH) to do the following:

- 1) Work with the Chief Executive Office (CEO) to review the Community Assistance, Recovery, and Empowerment (CARE) Court program plan, and as necessary through existing, available financial resources to sustain programming, allocate the necessary clinical, administrative, and programmatic items needed to implement the CARE Court program, including taking any steps needed to allow the department to immediately and successfully recruit and hire for these positions. This may include but is not limited to:

- a. Using existing delegated authority and if necessary, providing existing delegated authority to DMH for ordinance position authority and special step placements for a period to be determined by the CEO;
 - b. Utilizing the County Emergency Declaration on Homelessness hiring protocols for emergency appointments;
 - c. Approving job-related specialty exams that recognize relevant expertise and lived experience;
 - d. Extending any relevant incentives, bonuses, special pay practices for these field-based items so long as sufficient existing resources exist to allocate and sustain such incentives; and
 - e. Immediately identifying and hiring a manager (and/or clinical and support team members) dedicated to CARE Court implementation and starting the process to identify and hire additional staff.
- 2) Coordinate with the CEO to identify potential properties and facilities that are needed to support CARE Court activities and personnel;
 - 3) Collaborate with the Department of Public Health Substance Abuse Prevention and Control (DPH-SAPC), to develop referral workflow, eligibility requirements and treatment coordination plans to ensure alignment of SAPC housing resources funded by Behavioral Health Bridge Housing (BHBH) for the CARE participants;
 - 4) Advocate for the Mental Health Services Oversight and Accountability Commission

(MHISOAC), with support from the CEO, to prioritize the Innovations project for CARE Court Peer/Supporter items to be heard as soon as possible, so that DMH can hire and train staff to be in place by December 1, 2023;

- 5) In consultation with the CEO, report back to the Board in writing in 90 days on progress achieved on these items listed above as well as general updates on the CARE Court implementation project, and every 120 days thereafter until the implementation is complete;
- 6) In consultation with the CEO, report back to the Board in writing in 60 days with the estimated ongoing and one-time costs of implementation; any offsetting ongoing and one-time State, Federal, and Departmental revenues; and any resulting funding gap and options to bridge the funding gaps within DMH's existing resources.

WE, FURTHER, MOVE that the Board of Supervisors do the following:

- 1) Delegate authority to the Director of Mental Health, or her designee(s), to negotiate and execute new agreements, including sole source and/or amendments with qualified providers, including revisions to statements of work, extension to agreement terms and/or increase contract sums, provided such actions do not exceed Board approved funding to deliver services to Community Assistance, Recovery, and Empowerment (CARE) Court populations, subject to review and approval as to form by County Counsel with notification to the Board and the Chief Executive Office (CEO);
- 2) Authorize the Director of Mental Health, or her designee(s), to enter into non-monetary

agreements (including statements of work and memorandums of understanding) with other private and public entities to facilitate increased communication and information exchange to comply with the legislative mandates for service coordination, outcome reporting, and financial reimbursement of County services rendered to members of managed care plans and private insurance.

#

JH:kc