

FORM APPROVED COUNTY COUNSEL 11/17/14
 BY: GREGORY P. PRAMOS DATE

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



306

FROM: Department of Mental Health

SUBMITTAL DATE:
 November 13, 2014

SUBJECT: Mental Health Assisted Outpatient Treatment Laura's Law: Welfare and Institutions Code 5345-5349. (District: All) [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:
 1. Receive and file the Mental Health Assisted Outpatient Treatment Laura's Law report.

BACKGROUND:

Summary

Welfare and Institutions Code sections 5345-5349.5, also referred to as Laura's Law, became effective on January 2, 2003. The law creates an Assisted Outpatient Treatment (AOT) program that provides court-ordered treatment for persons with severe mental illness who meet certain criteria. The adoption of Laura's Law is optional for each County.

(Continued on page 2)

JW:EE

Jerry Wengert
 Jerry Wengert, Director

Department of Mental Health

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: N/A

Budget Adjustment: NO
 For Fiscal Year: 14/15

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature BY: *Jennifer L. Sargent*
 Jennifer L. Sargent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is received and filed as recommended.

Ayes: Jeffries, Stone, Benoit and Ashley
 Nays: None
 Absent: Tavaglione
 Date: November 24, 2014
 xc: Mental Health

Kecia Harper-Ihem
 Clerk of the Board
 By: *Kecia Harper-Ihem*
 Deputy

Prev. Agn. Ref.:

District: All

Agenda Number:

- A-30
- Positions Added
- 4/5 Vote
- Change Order

2-13

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Mental Health Assisted Outpatient Treatment Laura's Law: Welfare and Institutions Code 5345-5349. (District: All) [\$0]
DATE: November 13, 2014
PAGE: Page 2 of 2

BACKGROUND:

Summary (continued)

Funding for the Laura's Law program may not be provided at the expense of any other established adult or children's program. Funding for the program may use Mental Health Services Act (MHSA) funds when it is included in the County's Three Year MHSA plan. The current Riverside County Three Year Plan for FY14/15 through FY16/17 does not include funding for the implementation of Laura's Law. The estimated program size in Riverside County would be 90 participants at a cost roughly estimated at \$4.35 Million.

The Department of Mental Health (DMH) provides a full array of treatment and prevention services within the MHSA Plan. The most intensive outpatient programs are known statewide as Full Service Partnership (FSP) programs. These programs did not exist when Laura's Law passed in 2002, but they are very similar in structure and are demonstrating excellent outcomes for their participants. FSP programs are also far less costly due to having a 1:15 staff to client ratio. They are intensive outpatient programs doing whatever it takes to assist people with severe, long term mental illness. Staff is responsive 24 hours a day to prevent crisis or hospitalization. People in the program require long term medication and high levels of support to learn the skills needed for independent living. Eligibility for this level of program includes multiple psychiatric hospitalizations, multiple incarcerations, homelessness and multiple failures in less intensive programs.

At this time, the DMH does not have a program with a staff to client ratio as intensive as the required Laura's Law 1 to 10 ratio. Currently, Orange County, which implemented Laura's Law in May of 2014, is conducting an outcome study designed to measure the results of their Laura's Law program. The Department of Mental Health will receive benefit from Orange County's study in considering implementation of a Laura's Law program. In addition, the Department of Mental Health is joining with the County of San Diego to sponsor a conference/symposium in early 2015 focused on models of care in AOT programs which have had satisfactory outcomes.

After evaluating the findings of these studies, a future recommendation will be initiated jointly between Mental Health, Public Defender, County Counsel and the Courts.

Therefore, the DMH is requesting that the Board of Supervisors receive and file the Mental Health Assisted Outpatient Treatment Laura's Law report (Attachment A).

Impact on Citizens and Businesses

Services similar to Laura's Law are already provided and are a component of the Department's system of care aimed at improving the health and safety of consumers and the community.

ATTACHMENT A
Mental Health Assisted Outpatient Treatment
Laura's Law: Welfare & Institutions Code 5345-5349

BACKGROUND INFORMATION:

Welfare and Institutions Code Sections 5345-5349.5, also referred to as Laura's Law, became effective on January 2, 2003, through the enactment of AB1421 (2002). The law creates an Assisted Outpatient Treatment (AOT) program that provides court-ordered treatment for persons with severe mental illness who meet certain criteria as follows: 1) the person must be 18 years of age or older; 2) the person is suffering from a mental illness; 3) the person is unlikely to survive safely in the community without supervision; 4) the person has a history of lack of compliance with treatment; 5) the person's condition is substantially deteriorating; and, 6) participation in AOT would be the least restrictive placement. In addition, one of the following must be met: 1) the person, within the last 36 months, has required two psychiatric hospitalizations or placements in a correctional facility due to their mental illness; or, 2) the person's mental illness has resulted in one or more attempts or threats of serious and violent behavior toward himself/herself or another within the last 48 months.

The adoption of Laura's Law is optional for each County; therefore, there is no mandated claims process. Counties must opt-in and the local Board of Supervisors must pass a Resolution or take action through the County budget process to establish the program.

Laura's Law authorizes counties to implement an AOT program and specifies that established mental health programs may not be reduced to accommodate the program. In other words, Laura's Law services may not be provided at the expense of services that are already being provided to the adult population, and may not be financed by children's services funds.

Laura's Law provides a process to allow court-ordered outpatient treatment to mentally ill adults who have not accessed mental health services or have not maintained participation in services.

Only the Mental Health Director or designee may file a petition with the Superior Court in the county in which the person who is the subject of the petition to authorize AOT in the County where the person resides. The following individuals may, however, request the Mental Health Director to investigate whether to file a petition for court-ordered outpatient treatment:

1. Any adult residing with the person who is the subject of the petition;
2. An adult person, spouse, sibling or child of the person who is the subject of the petition;
3. The hospital Director, if the subject of the petition is an inpatient;
4. The Director of a program providing mental health services to the person who is the subject of the petition;
5. A treating or supervising licensed mental health treatment provider; or
6. A supervising peace officer, parole or probation officer.

Upon receiving a request from one of the above, the County Mental Health Director is required to conduct an investigation. The Director may only file a petition if he or she determines that it is likely all the necessary elements for an AOT petition can be proven by clear and convincing evidence. The Mental Health Director files an affidavit every 60 days if the person continues to meet AOT criteria. The person is entitled to a hearing every 60 days challenging the need for another order.

The program is provided by a multi-disciplinary team of mental health professionals with a staff to client ratio of 1:10. Riverside County currently does not have a program at the 1:10 intensity. The program is all-encompassing, wraparound services similar to those provided in the Full-Service-Partnership programs within the Department's Mental Health Services Act (MHSA) services.

Involuntary medications are not allowed within the AOT programs.

Senate Bill 585 (2013) clarified that counties are permitted to pay for the provision of Laura's Law mental health services using MHSA funds when it is included in the MHSA Plan. Riverside County's Three Year MHSA Plan for FY 2014-15, through 2016-17 does not include funding for the mental health services and staff to client ratio associated with the implementation of Laura's Law. If the AOT program is proposed, the three year MHSA Plan would be re-opened; a public hearing conducted by the Mental Health Board, and the Plan would return to the Board of Supervisors for approval.

CURRENT INFORMATION:

Orange County adopted a new Laura's Law program in May 2014. Their budget is \$5.8 million for 120 participants. They estimated their need from data used in passage of Kendra's Law in the State of New York, which pre-dates Laura's Law. The estimated program size in Riverside County would be 90 participants with a cost roughly estimated at \$4.35 Million if costs are similar to Orange County. Orange County is building an outcome study to assist in measuring the results of their new program. Riverside County will receive the benefit of their outcomes studies in consideration of beginning a Laura's Law program. A future recommendation would be initiated jointly between the Department of Mental Health, Public Defender, County Counsel and the Courts.

The Department of Mental Health provides a full array of treatment and prevention services within the MHSA Plan. The most intensive outpatient programs are known statewide as Full Service Partnership (FSP) programs. These programs did not exist when Laura's Law passed in 2002, but they are very similar in structure and are demonstrating excellent outcomes for their participants. FSP programs are also far less costly due to having a 1:15 staff to client ratio. They are intensive outpatient programs doing whatever it takes to assist people with severe, long term mental illness. Staff are responsive 24 hours a day to prevent crisis or hospitalization. People in the programs require long term medication and high levels of support to learn the skills needed for independent living. Eligibility for this level of program includes multiple psychiatric

hospitalizations, multiple incarcerations, homelessness and multiple failures in less intense programs.

The Department also operates and supports specialized Mental Health Courts county-wide. The Court supervises intensive treatment for those whose crime was the result of their illness. Additionally, there are Drug Courts and a Veterans Court. Each of these specialized court programs have proven, excellent outcomes, meaning little to no re-offenses.

The challenge with Laura's Law is, even though it is involuntary outpatient services, it does not include involuntary medication. Without the ability for a doctor to use involuntary medication, the only alternative is hospitalization.

The Department of Mental Health is joining with the County of San Diego to sponsor a conference/symposium early next year focused on models of care in AOT which have good outcomes or are "promising practices."

FORM APPROVED COUNTY COUNSEL
BY:  ERIC STOPHER 11/17/24 DATE