



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Health System



Date: February 24, 2016
Board Meeting Date: April 12, 2016
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Louise Rogers, Chief, Health System
Stephen Kaplan, Director, Behavioral Health and Recovery Services

Subject: Status Report on Laura's Law Implementation in San Mateo County

RECOMMENDATION:

Accept the update on the progress of implementing Laura's Law (AB 1421), also known as Assisted Outpatient Treatment.

BACKGROUND:

In 2002, the California Legislature adopted Assembly Bill 1421, commonly known as Laura's Law. Laura's Law supplements existing mental health law by allowing a court, in counties that have chosen to implement the law, to order a person into assisted outpatient treatment (AOT) through a civil process. However, the court has no power to enforce its order if the person refuses to participate in treatment.

On June 16, 2015, the San Mateo County Board of Supervisors voted unanimously to enact Laura's Law. The approved budget was for \$3,766,973 through June 2017.

Laura's Law is intended to address the mental health care needs of individuals who do not meet the requirements for "grave disability" in order to establish a conservatorship, or the "danger to self or others" requirement for involuntary confinement, but whose mental status appears to be nonetheless deteriorating. Laura's Law makes it easier to detain individuals for psychological evaluations for 72 hours. It also allows family members, friends, mental health professionals and peace officers to refer individuals with mental illness to be evaluated to receive court-ordered AOT. The court may order individuals who meet the Laura's Law criteria for 180 days of AOT. The court, however, cannot force any individual to take medications or to participate in treatment; ultimately an individual can choose not to engage in treatment without any legal consequences. The premise of Laura's Law is that the non-binding judicial order will be sufficient to induce at least some individuals to participate in treatment. Individuals who do meet the criteria can accept treatment voluntarily in lieu of appearing in court.

For the court to order a person to participate in AOT, they must meet the eligibility criteria as listed below:

- a. 18 years or older.
- b. Suffering from a “Serious Mental Illness”, defined as a mental disorder severe in degree and persistent in duration. May include schizophrenia, bipolar disorder, post-traumatic stress disorder, as well as major affective disorders.
- c. Unable to “survive safely” in the community without “supervision”.
- d. History of “lack of compliance with treatment” as evidenced by at least one of the following:
 - i. Hospitalized/incarcerated two or more times in the last 36 months due to a mental illness; or
 - ii. Violent behavior towards self or others in the last 48 months.
- e. Previously offered treatment on a voluntary basis and refused it; and
- f. Is “deteriorating.”

When a licensed mental health treatment provider determines that a client who is court-ordered into AOT has failed or refused to comply with the treatment, and that efforts have been made to achieve compliance, the provider may ask that the client be brought to a hospital for evaluation as to whether the client requires involuntary treatment.

DISCUSSION:

The AOT team staffing, as approved by your Board, consists of a Clinical Services Manager, Psychiatric Social Worker, Administrative Assistant, Peer Support Worker, Deputy Public Guardian and Psychologist. The treatment will be provided through a Full Service Partnership (FSP) consisting of up to 50 slots.

Implementation has been slightly delayed, based on the need for Behavioral Health and Recovery Services (BHRS) to hire a new Clinical Services Manager (Manager) and additional program staff, as well as develop and launch a Request for Proposals for FSP services. BHRS is pleased to report that the Manager has been hired, and the remainder of the program staff will start in April 2016. The Request for Proposals for the FSP services also has been released. With this progress achieved to date, BHRS expects to have an FSP provider ready to enroll Laura’s Law clients by mid to late July 2016.

The Manager is collaborating with other individuals and organizations, including the Court, District Attorney, Private Defender’s Office, NAMI, law enforcement agencies, Probation Department, and the San Mateo Medical Center to prepare for implementation. This collaboration includes planning for the court process, clarifying guidelines and providing education about the program and the referral process. The update contributes to the Shared Vision 2025 outcome of a Healthy Community by providing mental health care needs for individuals who do not meet the requirements for “grave disability” in order to establish a conservatorship, or the “danger to self or others” requirement for involuntary confinement, but whose mental status appears to be

nonetheless deteriorating. It is anticipated that 75% of people ordered into FSP treatment involuntarily will comply with court order. It is also anticipated that the total number of hospital days by enrolled clients will decrease by 70% year-on-year.

PERFORMANCE MEASURE(S):

Measure	FY 2015-16 Actual	FY 2016-17 Projected
Percentage/number of people ordered into Full Service Partnership Treatment involuntarily, who will comply with court order	NA*	75% / 3 people
Percentage/number decrease of total hospital days by enrolled clients in comparison to total hospital days 12 months prior to enrollment	NA*	70% / 17 days

*Because the services and measure are new, no data is available for FY 15-16

Pursuant to prior direction of this Board, when the Health System has completed all of the above preparations and those otherwise necessary for implementation of Laura's Law in San Mateo County, the Chief of the Health System will provide the Board with written notice and we will immediately thereafter move forward with implementation of the law in San Mateo County.

FISCAL IMPACT:

There is no fiscal impact associated with this update.