



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: RES 22-108 **Name:** AOT opt-out Resolution
Type: BoS Resolution **Status:** Passed
File created: 5/24/2022 **In control:** Board of Supervisors
On agenda: 6/14/2022 **Final action:** 6/14/2022
Title: Adopt a Resolution to:
Authorize County of Monterey to opt-out of AB1976, Assisted Outpatient Treatment (AOT), also known as Laura's Law.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Resolution, 3. Attachment A, 4. Completed Board Order Item No. 29, 5. Completed Resolution Item No. 29

Date	Ver.	Action By	Action	Result
6/14/2022	1	Board of Supervisors	adopted	Pass

Adopt a Resolution to:
Authorize County of Monterey to opt-out of AB1976, Assisted Outpatient Treatment (AOT), also known as Laura's Law.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a Resolution to:
Authorize County of Monterey to opt-out of AB1976, Assisted Outpatient Treatment (AOT), also known as Laura's Law.

SUMMARY/DISCUSSION:

In 2002, the California Legislature passed Assembly Bill 1421 (Thomson), also known as Laura's Law. It gives counties the option of implementing involuntary Assisted Outpatient Treatment (AOT) programs for individuals who have difficulty maintaining their mental health stability and have frequent hospitalizations and contact with law enforcement related to untreated or undertreated mental illness.

As defined by California Welfare and Institutions Code sections 5345-5349.5, Laura's Law creates an AOT program that provides court-ordered treatment (not medication) for persons with severe mental illness. Senate Bill 507, approved by the Governor on September 30, 2021, went into effect January 1, 2022 amending Section 5346 and added Section 5346.5 to the Welfare and Institutions Code. SB507 changed the criteria for AOT for persons who meet the following criteria:

1. Must be 18 years of age or older,
2. Is suffering from a mental illness,
3. Clinical determination that at least one of the following is true:
 - a. Is unlikely to survive safely in the community without supervision and the condition is substantially deteriorating,
 - b. Is in need of AOT to prevent relapse or deterioration that would likely result in grave disability or serious harm to the person or others as defined in Section 5150,
4. Has a history of lack of compliance with treatment, in that at least one of the following is true:
 - a. The person, within the last 36 months, has required two psychiatric hospitalizations or

- placements in a correctional facility due to their mental illness, **or**
- b. 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,
 5. Has been offered an opportunity to participate in treatment and continues to fail to engage in treatment,
 6. Participation in AOT would be the least restrictive placement,
 7. It is likely that the person would benefit from AOT.

When first passed in 2002, the adoption of Laura's Law under AB1421 *was optional* for each County. Counties had to opt-in and the County Board of Supervisors had to pass a resolution or act through the county budget process to establish the program. The law also requires that existing services “must not” be reduced to implement an AOT program under Laura’s Law. **Unfortunately, no funds were allocated for the implementation of these services, therefore additional funding sources would have been required if the County were to have chosen to opt-in.**

AB 1976, which passed in the legislature in August 2020, went into effect July 1, 2021. This bill required a County to implement an Assisted Outpatient Treatment (AOT) program under Laura’s Law, or ***opt-out annually of this requirement by a resolution passed by the governing body of the County that includes a statement as to the reasons for opting out and many facts or circumstances relied on in making that decision.*** In addition, AB 1976 further authorizes a judge of a superior court, before whom the person who is subject of an AOT petition appears, to request a County Mental Health Department file a petition to obtain an order authorizing AOT. **This, too, is an unfunded mandate and counties are not allowed to reduce current services to enact Laura’s Law, per the legislation.** Monterey County opted out of AOT on May 4, 2021, by Board of Supervisors Resolution No. 21-125.

MONTEREY COUNTY BEHAVIORAL HEALTH BUREAU (MCBHB) SERVICES

MCBHB programs offer services that not only meet, but exceed, the expectations under AOT (Attachment A). MCBHB places the client at the forefront of their own treatment, listening to their voice, and meeting the client where they are in their recovery. MCBHB services embody the spirit of the AOT law by offering services exceeding those outlined in AOT through its strong community partnerships, and through its use of Assertive Community Treatment (ACT) teams, which focus on the high-risk and difficult-to-engage populations. MCBHB understands and embraces the importance of establishing trusting and long-lasting relationships with the individuals we serve to effectively support their long-term recovery. Additionally, MCBHB understands the need to tailor services to meet the needs of the diverse population we serve, including cultural and linguistic considerations, to better meet their needs.

MCBHB served 13,156 individuals between July 1, 2020 and June 30, 2021. Of which, 4,209 individuals were new to MCBHB services (no previous treatment through MCBHB). This represents an increase of clients served by 10% in the last 5 years and an 88% increase over the past 10 years. Specifically, in this same time frame, we served 2,404 clients including 331 new clients identified with severe mental illness in our Adult System of Care, which would otherwise comprise those who may meet AOT population.

MCBHB is concerned with the potentially significant, ongoing costs and workload that would be needed to oversee AOT cases for the County. The estimated cost of providing AOT related mental health services is \$943,338 annually. MCBHB does not have the required funding to stand up programming to meet the requirements of AOT. Additionally, the California Assembly Bill Analysis determined that the average court cost would be \$7,896 a day (or \$987 an hour) to operate a courtroom, exclusive of the judge’s and Public Defender salaries. AB1976 specifically requires that AOT implementation cannot reduce or eliminate funding to existing programs. Implementation of AOT would require additional General Fund contribution or other

non-behavioral health funding.

MCBHB strongly asserts that AOT services in Monterey County would be redundant services taxing an already impacted system. MCBHB is confident in its current delivery system that outperforms AOT programs and recommends that the Board of Supervisors adopt this resolution authorizing the Monterey County Health Department, Behavioral Health Bureau to continue to opt-out of Assisted Outpatient Treatment (AOT).

This supports the Monterey County Health Department 2018-2022 Strategic Plan Goal: 1. Ensure access to culturally and linguistically appropriate, customer-friendly, quality health services. It also supports two of the ten essential public health services, specifically: 6. Enforce laws and regulations that protect health and ensure safety; 7. Link people to needed personal health services and assure the provision of health care when otherwise unavailable.

OTHER AGENCY INVOLVEMENT:

The Monterey County Departments- Public Guardian Division, Public Defender, District Attorney, Probation, Sheriff's Office and Superior Court work collaboratively with the MCBHB in serving the needs of our residents needing behavioral health services. The Office of the County Council has reviewed and approved as to legal form. Auditor Controller has approved as to fiscal provisions.

FINANCING:

There will be no impact to the General Fund in adopting this resolution.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses, and communities to thrive and grow by reducing violent crimes as well as crimes in general.

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Jon Drake, Assistant Bureau Chief 755-4357

Approved by:

Date: _____

Elsa Mendoza Jimenez, Director of Health, 755-4526

Attachments:
Resolution
Attachment A