



County of Monterey

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

Board Report

File #: RES 21-067, Version: 1

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 who meet the following criteria:

- 1) Must be 18 years of age or older,
- 2) Is suffering from a mental illness,
- 3) Is unlikely to survive safely in the community without supervision,
- 4) Has a history of lack of compliance with treatment,
- 5) Has a substantially deteriorating condition, and
- 6) Participation in AOT would be the least restrictive placement.

Plus, one of the following conditions:

- 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.

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.**

Current Law AB 1976, which passed in the legislature in August 2020, will go into effect July 1, 2021. This bill requires a County to implement an Assisted Outpatient Treatment (AOT) program under Laura's Law, or opt-out 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 Behavioral Health Bureau (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 13,134 individuals between July 1, 2019 and June 30, 2020. Of which, 4,273 individuals were new to MCBHB services (no previous treatment through MCBHB). This represents an increase of clients served by 25% in the last 5 years and a 69% increase over the past 10 years. Specifically, in this same time frame, we saw an increase of 17% or 424 new clients identified with severe mental illness in our Adult System of Care (2,454 individuals served), 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 \$364,176 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 at a time when revenues to support MCBHB (Realignment and MHSA) are reduced due to the COVID-19 Pandemic. 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 opt-out of AB1976, Assisted Outpatient Treatment (AOT).

This supports the Monterey County Health Department 2018-2022 Strategic Plan Initiative: 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 and Divisions of Public Defender, District Attorney, and Probation and Monterey County Superior Court work collaboratively with the MCBHB in serving the needs of our residents

needing behavioral health services. The Office of County Counsel has reviewed and approved as to legal form. This item was presented to the Monterey County's Behavioral Health Commission on February 25, 2021. Subsequently, it was presented to the Health, Housing, Homelessness, and Human Services Committee on March 1, 2021, at which time the committee expressed its support of the recommended action.

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.

Prepared by: Lucero Robles, Interim Director; and Jon Drake, Assistant Bureau Chief 755-4357

Approved by:

Date: _____

Elsa Jimenez, Director of Health, 755-4526

Attachments:

Resolution is on file with the Clerk of the Board
Attachment A is on file with the Clerk of the Board
Correspondence is on file with the Clerk of the Board