



# COUNTY OF SAN DIEGO

## AGENDA ITEM

### BOARD OF SUPERVISORS

GREG COX  
First District

DIANNE JACOB  
Second District

DAVE ROBERTS  
Third District

RON ROBERTS  
Fourth District

BILL HORN  
Fifth District

**DATE:** January 27, 2015

**XX**

**TO:** Board of Supervisors

**SUBJECT:** AUTHORIZATION FOR PLANNING FOR THE IMPLEMENTATION OF ASSEMBLY BILL 1421 "LAURA'S LAW" IN SAN DIEGO COUNTY (DISTRICTS: ALL)

### Overview

The Behavioral Health Services (BHS) division of the County of San Diego Health and Human Services Agency (HHSA) provides a wide range of mental health, alcohol and other drug programs, promoting recovery and well-being through prevention, treatment, and intervention. These programs include an array of services for adults, including those with severe mental health needs who are reluctant or resistant to receiving mental health services. In 2002, the California Legislature passed Assembly Bill 1421 (Laura's Law), an assisted outpatient treatment program designed to provide court-ordered treatment for this specific adult population.

On September 27, 2011 (7), the Board of Supervisors approved the implementation of the In-Home Outreach Team (IHOT) pilot program in the North Coastal, Central, and East regions of the county as an alternative to Laura's Law. The success of the IHOT pilot program has demonstrated the ongoing need to further engage with those individuals who are reluctant or resistant to treatment.

On March 19, 2013 (5), your Board directed the Chief Administrative Officer to (1) analyze the differences and similarities between the IHOT Program and Laura's Law; (2) provide a complete review and analysis of related proposed Laura's Law legislation; (3) provide recommended next steps in closing the gaps, if any, between IHOT and Laura's Law; (4) provide quarterly comprehensive updates on the results of IHOT to the Board; and (5) return back to the Board within 90 days. Following your Board direction, on July 30, 2013 (6) your Board (1) received a report entitled "Review of Services for Individuals with Serious Mental Illness Who are Resistant to Treatment," (2) authorized the Director, Department of Purchasing and Contracting, to issue a competitive solicitation to procure necessary services to expand and enhance the IHOT program countywide, and (3) directed the Chief Administrative Officer to report back to the Board with next steps toward implementation of Laura's Law.

Since July 2013, the Board has received quarterly comprehensive updates on the results of IHOT, which has delivered county-wide services since July 1, 2014. Data from these quarterly

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reports indicate an increasingly high percentage of persons who meet IHOT eligibility criteria, and were determined to be potential Laura’s Law candidates.

Today’s proposed actions include the authorization to take the necessary steps to implement Laura’s Law in San Diego County. However, successful implementation of Laura’s Law will require comprehensive planning and significant cooperation and coordination across many public agencies in the behavioral health, law enforcement, and judicial systems. Authorization is therefore requested for the Director, Health and Human Services Agency, to convene a team of representatives from County agencies and other local behavioral health, law enforcement and judicial entities to prepare a plan and return back to the Board within 90 days, with comprehensive recommendations for implementation of Laura’s Law in San Diego County.

These actions support the County’s adopted *Live Well San Diego* initiative as they seek to provide a comprehensive continuum of care for individuals with severe mental illness who have not engaged in treatment, while promoting the health and safety of all residents.

**Recommendation(s)**

**CHIEF ADMINISTRATIVE OFFICER**

1. Authorize the Director, Health and Human Services Agency, to take the following steps necessary to implement Assembly Bill 1421 “Laura’s Law” in San Diego County:
  - a. Convene a multi-disciplinary team of representatives from County agencies including but not limited to the Office of Strategy and Intergovernmental Affairs, Public Safety Group, Sheriff’s Department, Office of the District Attorney, Office of the Public Defender, Probation Department, and additionally from the Superior Court, the San Diego Police Department, and Patients’ Rights Advocacy, to prepare a plan for implementation of Laura’s Law.
2. Return back to the Board within 90 days with a detailed plan for the implementation of court-ordered assisted outpatient treatment services under the mandates of Laura’s Law for individuals with severe mental illness who have a history of refusing to accept treatment and who have a recent history of psychiatric hospitalizations, incarcerations, or threats or attempts of serious violence towards self or others.

**Fiscal Impact**

There is no fiscal impact associated with the recommendations. There will be no change in net General Fund costs and no additional staff years.

**Business Impact Statement**

N/A

**Advisory Board Statement**

The County of San Diego is in process of convening a newly established Behavioral Health Advisory Board. Under Recommendation #3 above, the detailed implementation plan will be reviewed by the Behavioral Health Advisory Board prior to coming before the Board of Supervisors.

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**Background**

The County of San Diego Health and Human Services Agency (HHSA) delivers an array of services designed to assist county residents in leading healthy, safe, and thriving lives. The Behavioral Health Services (BHS) division of HHSA provides a wide range of services to adults, including acute care psychiatric services, crisis residential treatment programs, intensive case management programs, outreach and engagement services, and conservatorship.

In 2002, the California State Legislature passed Assembly Bill (AB) 1421, also known as Laura’s Law, which authorizes counties to establish a court-ordered treatment program for individuals with severe mental illness who have a history of refusing to accept treatment and who have a recent history of psychiatric hospitalizations, incarcerations, or threats or attempts of serious violence towards self or others.

Laura’s Law does not include any form of involuntary or locked treatment and does not specify any intervention by law enforcement beyond what is currently available under State of California Welfare and Institutions Code (WIC) 5150. In its original form, implementation of Laura’s Law did not permit the use of existing funding sources. Given these limitations, on September 27, 2011 (7), the Board of Supervisors approved the implementation of a pilot program, In-Home Outreach Team (IHOT), as an alternative to Laura’s Law. IHOT was implemented as a three-year pilot program on January 1, 2012, in three of the six HHSA geographical regions – North Coastal, Central, and East.

On March 19, 2013 (5), your Board directed the Chief Administrative Officer to (1) analyze the differences and similarities between the IHOT Program and Laura’s Law; (2) provide a complete review and analysis of related proposed Laura’s Law legislation; (3) provide recommended next steps in closing the gaps, if any, between IHOT and Laura’s Law; (4) provide quarterly comprehensive updates on the results of IHOT to the Board; and (5) return back to the Board within 90 days.

Following the Board’s direction, HHSA convened a team of representatives from the public, private and non-profit sector to collaborate with County staff on the analysis. On July 30, 2013 (6), your Board (1) received a report titled “Review of Services for Individuals with Serious Mental Illness Who are Resistant to Treatment”; (2) authorized the Director, Department of Purchasing and Contracting, to issue a competitive solicitation to procure necessary services to expand and enhance the IHOT program countywide; and (3) directed the Chief Administrative Officer to report back to Board with next steps toward implementation of Laura’s Law providing progress toward identification of sufficient funds and legislative remedies to streamline the law.

Since July 2013, your Board has received quarterly reports, which included updates on IHOT expansion, and continued evaluation of data and proposed legislative remedies. On July 1, 2014, the IHOT program was expanded countywide and enhanced by increasing the capacity of the current Full Service Partnership-Assertive Community Treatment programs, which provide intensive services to individuals who often have complex conditions including co-existing problems such as primary health condition, homelessness, substance use disorders, and involvement with the justice system.

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Since the inception of the IHOT program on January 1, 2012, through September 2014, there have been 1,082 referrals to the program. Of these referrals, 413 (38% of referrals) met all eligibility criteria for the IHOT program and 125 (30% of eligible referrals) were determined to be potential Laura’s Law candidates. From the 125 potential Laura’s Law candidates, 10 individuals have been successfully linked to services. With the expansion of the IHOT program to all six regions of the County, the percentage of referred individuals determined to be potential Laura’s Law candidates has increased.

On September 9, 2013, Senate Bill (SB) 585 was signed by the Governor which clarifies that Mental Health Services Act (MHSA) funding may be utilized for services provided under Laura’s Law. With a defined potential source of funding under SB 585, Laura’s Law is a viable additional tool to serve the seriously mentally ill who are resistant to treatment, only after other efforts prove unsuccessful. Additionally, upon a prudent analysis of the Law, we conclude there is flexibility with the prescription of Assisted Outpatient Treatment, responsive to the individual needs of a Laura’s Law candidate. Today’s proposed actions include the authorization to take the necessary steps to implement Laura’s Law in San Diego County.

However, successful implementation of Laura’s Law will require comprehensive planning and significant cooperation and coordination across many public agencies in the behavioral health, law enforcement, and judicial systems.

Authorization is therefore requested for the Director, Health and Human Services Agency, to convene a team of representatives from County agencies and other local law enforcement and judicial entities to prepare a Laura’s Law implementation plan. These agencies include but are not limited to the Office of Strategy and Intergovernmental Affairs, Public Safety Group, Sheriff’s Department, Office of the District Attorney, Office of the Public Defender, Probation Department, and additionally from the Superior Court, the San Diego Police Department, and Patients’ Rights Advocacy. After engaging these agencies and other relevant stakeholders in a comprehensive review, we will return back to your Board within 90 days with detailed recommendations for implementation of Laura’s Law in San Diego County.

**Linkage to the County of San Diego Strategic Plan**

This item supports the Healthy Families and Safe Communities initiatives in the County of San Diego’s 2015-2020 Strategic Plan, as it improves access to efficient and high-quality mental health treatment for individuals with severe mental illness who are resistant to treatment, while promoting the health and safety of all residents.

Respectfully submitted,

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SIGNATURE

HELEN N. ROBBINS-MEYER  
Chief Administrative Officer

ATTACHMENT(S)

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**AGENDA ITEM INFORMATION SHEET**

**REQUIRES FOUR VOTES:**  Yes  No

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED**  
 Yes  No

**PREVIOUS RELEVANT BOARD ACTIONS:**

July 30, 2013 (6), Board approval for expansion of In-Home Outreach Team (IHOT) program county-wide and for quarterly progress reports to the Board; March 19, 2013 (5), Board direction to Chief Administrative Officer for review and analysis of Laura's Law; September 27, 2011 (7), Board approval for competitive solicitation and sole source authorization for Innovation and Community Services and Supports components of the Mental Health Services Act, including the IHOT program.

**BOARD POLICIES APPLICABLE:**

N/A

**BOARD POLICY STATEMENTS:**

N/A

**MANDATORY COMPLIANCE:**

N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):**

N/A

**ORIGINATING DEPARTMENT:** Health and Human Services

**OTHER CONCURRENCES(S):** N/A

**CONTACT PERSON(S):**

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