



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Health System



Date: May 8, 2015
Board Meeting Date: May 19, 2015
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Jean S. Fraser, Chief, Health System
Stephen Kaplan, Director, Behavioral Health and Recovery Services
Subject: Implementation of AB 1421 (Laura's Law) in San Mateo County

RECOMMENDATION:

Adopt a resolution implementing AB 1421, also known as Laura's Law, Assisted Outpatient Treatment Program in San Mateo County

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.

AOT must include "community-based, mobile, multidisciplinary, highly trained mental health teams with staff-to-client ratios of no more than 10 clients per team member," outreach to families, coordination with primary care physicians, access to medications, psychiatric and psychological services, housing assistance, and vocational rehabilitation. In San Mateo this level of care is provided through our Full Service Partnerships.

Laura's Law is intended to address the mental health care needs of individuals who do not meet the "grave disability" requirements for establishment of a conservatorship or the "danger to self or others" requirement for involuntary confinement, but whose mental status appears to be deteriorating. Laura's Law makes it easier for individuals to be detained for psychological evaluation for 72 hours. It also allows family members, roommates, mental health professionals and peace officers to refer individuals with mental illness to be evaluated to receive court-ordered Full Service Partnership treatment.

The court may order individuals who meet the Laura's Law criteria to 180 days of Full Service Partnership treatment. The court, however, cannot force any individual to take medications or to participate in the Full Service Partnership; ultimately an individual can choose not to engage in treatment without any legal repercussions. 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.

For a court to order a person to participate in Full Service Partnership treatment, the person must meet all of the following criteria:

- 18 years or older;
- 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.
- Unable to "survive safely" in the community without "supervision";
- Has a history of "lack of compliance with treatment" as evidenced by at least one of the following:
 - a. Been hospitalized/incarcerated two or more times in the last 36 months due to mental illness; or
 - b. Demonstrated violent behavior towards self or others in the last 48 months.
- Has been offered treatment on a voluntary basis and refused it; and
- Is "deteriorating".

For a court to order treatment, the court must find all of the following:

- AOT (Full Service Partnership in San Mateo County) is the least restrictive treatment that will deal with the person's illness;
- Participation in AOT (Full Service Partnership) is needed to prevent relapse or further deterioration; and
- The person will likely benefit from treatment in AOT (Full Service Partnership).

Section 5349 of the California Welfare and Institutions Code provides that Laura's Law becomes effective in a county when the board of supervisors authorizes its application, either by resolution or through the budget process. In adopting Laura's Law, the board of supervisors must make a finding that "that no voluntary mental health program serving adults, and no children's mental health program, may be reduced" as a result of implementing Laura's Law.

County Counsel has undertaken a review and concluded that most counties that have adopted Laura's Law, including Orange County, Contra Costa County, Yolo County, and Los Angeles County, have done so by resolution.

In adopting Laura's Law, the Board of Supervisors may condition its implementation in the County on the Health System Director's confirmation that the required staff and infrastructure are in place to fully comply with the law's requirements.

DISCUSSION:

The premise behind Laura's Law is that a judicial order for treatment, even without an enforcement mechanism, may persuade some people with mental illness to participate in treatment that they have refused. To ensure that everyone has the chance to get services voluntarily, the mentally ill person must have been offered Full Service Partnership services and have refused them before a court can order the person into treatment.

The experience in Orange County, the only large county to implement Laura's Law to date, is that most people who meet Laura's Law criteria accept Full Service Partnership services voluntarily. In Orange County's first five months of its implementation of Laura's Law, only one person was ordered by a court to participate in Full Service Partnership services, while 51 people voluntarily agreed to services.

With so little data from other counties, it is uncertain how many San Mateo County adult residents will be served under Laura's Law. We estimate that at least 100 adults living with a serious mental illness in San Mateo County could benefit from a Full Service Partnership at this time. As family members and law enforcement become more informed, it is likely that individuals currently not known to BHRS will be identified.

Our best estimate based on the experience of other jurisdictions is that at full implementation, between 20 and 25 San Mateo County adults would be ordered into treatment under Laura's Law. However, to get 20-25 people into court-ordered treatment, we likely will need to offer Full Service Partnership to a minimum of 50 people (and possibly significantly more) who would meet the criteria for an offer of Full Service Partnership services under Laura's Law, most of whom will accept services voluntarily.

The Health System's Behavioral Health and Recovery Services division (BHRS) already contracts with community-based providers for Full Service Partnerships for 369 clients. All existing slots are full, and BHRS does not have funds to increase the number of slots. Accordingly, if you choose to implement Laura's Law, additional funding will be needed.

Given the uncertainty around the participation numbers and the cost of Full Service Partnerships (which must be paid for in advance to ensure that the services are available immediately upon a person accepting them or being ordered into treatment), your Board may choose to implement Laura's Law in incremental steps. However, Full

Service Partnership slots cannot be purchased one-by-one; contractors require funding certainty so they can hire the staff for the program before clients enroll.

Accordingly, if you choose to implement Laura's Law, we recommend that your Board fund an additional 50 Full Service Partnership slots for people who are referred under Laura's Law. These can be phased in over the program's first two fiscal years when the program is ramping up. When and if those slots are filled, we will alert your Board and you may then consider whether to fund additional slots.

Additional BHRS staff will be required to set up and manage the Laura's Law program, coordinate the participating agencies, educate family members and other referring entities, respond to referrals, perform the required clinical evaluations and reports, participate in the judicial hearings, assign clients to the program, track and report client progress, oversee the evaluation of the program, and write and submit the mandatory reports to the State. We estimate 5.5 BHRS positions are needed to staff the program at an annual cost of \$628,368.

As part of the start-up phase, BHRS staff would coordinate with key partners including the courts, and do outreach to key stakeholder groups including family members, law enforcement, and service providers. Education will focus on eligibility criteria, referral protocols, court processes and the treatment components.

Some people referred for evaluation under Laura's Law likely will meet the stricter criteria for grave disability and conservatorship, which is a stronger and more effective tool for obtaining compliance with treatment. We recommend adding a conservator so we can increase by up to 60 the number of people who are conserved. The cost of an additional conservator is \$120,502 annually.

We estimate it will take six to eight months from adoption by your board of Laura's Law and approval of funding and positions for us to be ready to accept referrals. Startup activities include recruiting and hiring staff, developing and releasing a request for proposals, negotiating and receiving Board approval of the contracted services, developing procedures with the courts and other parties, developing and implementing an education and outreach effort, hiring a firm to evaluate the program and obtaining baseline data.

Given the foregoing, we have worked with the County Counsel's Office to prepare for the Board's consideration the attached resolution implementing Laura's Law in San Mateo County, subject to the Chief of the Health System providing the Board with written confirmation that the staff, infrastructure and processes are in place to implement the law. If the Board adopts this resolution, we will return in the near future to seek Board action on items such as salary resolutions and contract authorizations that are necessary to implement the law.

PERFORMANCE MEASURE(S):

Measure	FY 2014-15 Estimated	FY 2015-16 Projected
Percentage/number of people ordered into Full Service Partnership Treatment involuntarily who comply with court order	N/A*	100% / 1
Percentage/number decrease of total hospital days by enrolled clients in comparison to total hospital days 12 months prior to enrollment	N/A*	70% / 17

*The services and measure are new and no data is available for FY 14-15

FISCAL IMPACT:

With an incremental approach, the initial implementation of Laura's Law with 50 Full Service Partnership slots phased in over two years is estimated to cost \$1,347,703, including one-time start-up costs of \$89,500 in FY 15-16 and \$2,419,270 in FY 16-17. No revenue has been assumed because insurance generally does not cover these services.