

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

April 6, 2021

FROM

VERONICA KELLEY, Director, Department of Behavioral Health

SUBJECT

Mental Health Services Assisted Outpatient Treatment Assembly Bill 1976 Opt Out

RECOMMENDATION(S)

Adopt **Resolution No. 2021-44** making certain findings in accordance with Assembly Bill 1976 in order to opt out of mental health services related to Assisted Outpatient Treatment. (Presenter: Veronica Kelley, Director, 388-0801)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Promote the Countywide Vision.

Operate in a Fiscally-Responsible and Business-Like Manner.

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Opting out of the Assisted Outpatient Treatment is non-financial; approval of this item does not impact Discretionary General Funding (Net County Cost).

BACKGROUND INFORMATION

On September 25, 2020, State Assembly Bill 1976 (AB 1976) was chaptered into law amending the current legislation associated with Assisted Outpatient Treatment (AOT), commonly known as Laura's Law, effective July 1, 2021. Specifically, 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:

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

Plus, one of the following conditions:

- The person, within the last 36 months, has required two psychiatric hospitalizations or placements in a correctional facility due to their mental illness; or
- 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.

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The AOT program permits court ordered treatment services for a person with mental illness who meets specific criteria. As a result of AB 1976, all California counties will be required to offer AOT or opt out. 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 is not a funded program and counties are not allowed to reduce current services in order to enact Laura's Law, per the legislation.

The Department of Behavioral Health (DBH) and the Behavioral Health Commission, along with input from consumer advocates, have assessed Laura's Law and its impact on consumer rights, continuity of care and current provision of services and strongly oppose implementation of the Laura's Law in San Bernardino County as, the AOT program under Laura's Law, strongly mirrors many programs that DBH already provides such as:

- Full Service Partnerships: These programs are designed to do "whatever it takes" to assist people with severe, long term mental illness. These programs did not exist when Laura's Law was passed, but they are very similar in structure to the AOT program and are demonstrating excellent outcomes for their participants.
- Specialized Mental Health Court: The Court supervises intensive treatment for those whose crime has been attributed to their illness. Additionally, there are Drug Courts and a Veterans Court established in San Bernardino County. Each of these specialized court programs has proven outcomes reducing recidivism and improving behavior among individuals.
- Recovery Based Engagement Teams: The teams provide community (field-based) services in the form of outreach, engagement, case management services, family education, support and therapy for the most challenging diverse adult clients in the community who suffer from untreated mental illness.
- Conservatorship Investigation Unit: When an individual's mental illness creates such a grave disability that they are unable to provide for their own care, a conservatorship can be established based on specific criteria. In collaboration with the Office of the Public Guardian (OPG), DBH's conservatorship unit evaluates individuals, which under current law, allows the OPG to assume legal responsibility for an individual's finances, treatment and placement needs, including mental health services.
- Forensic Integrated Mental Health Services: The Supervised Treatment After Release program is a voluntary program for defendants who agree to make treatment part of the terms and conditions of their probation. The Forensic Assertive Community Treatment program provides services utilizing an Assertive Community Treatment model. This model includes mental health rehabilitation services, case management, medication support, housing assistance, benefits and entitlements assistance, education and employment assistance, family support and crisis intervention 24 hours a day, 7 days a week.

DBH has been effectively providing these programs and many more to San Bernardino County residents for many years with positive outcomes that exceed the success rate of the AOT program. DBH does not have additional funds to meet the requirements of AOT and strongly asserts that AOT services would be redundant of services currently provided.

On October 15, 2020, a presentation of AB 1976 was presented to the San Bernardino County Law & Justice group members, which included DBH, Superior Court (Presiding Judge, and the CEO of the courts), Sheriff, Probation, District Attorney, Public Defender, County Administrative Office Administration, and Department of Public Health. All group members supported DBH's recommendation of opting out of Laura's Law.

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AB 1976 allows for counties to choose to opt out of participation in the AOT program if their county Board of Supervisors (Board) adopts a Resolution, which identifies the reasons for opting out, and any facts or circumstances used in making that decision. DBH is recommending the Board adopt the required Resolution in order to approve opting out of providing AOT services. DBH will return to the Board if further action is required.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by Behavioral Health Contracts (Natalie Kessee, Contracts Manager, 388-0869) on March 18, 2021; County Counsel (Dawn Martin, Deputy County Counsel, 387-5455) on March 19, 2021; Finance (Christopher Lange, Administrative Analyst, 386-8393) on March 22, 2021; and County Finance and Administration (Tanya Bratton, Deputy Executive Officer, 388-0332) on March 22, 2021.

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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Col. Paul Cook (Ret.)

Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: April 6, 2021



cc: W/RESOLUTION
File- Behavioral Health

LA 04/9/2021