



COUNTY OF HUMBOLDT

For the meeting of: 6/8/2021

File #: 21-695

To: Board of Supervisors

From: DHHS: Behavioral Health

Agenda Section: Departmental

SUBJECT:
AB1976 Mental Health Services: Assisted Outpatient Treatment

RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve, and authorize the Department of Health & Human Services (DHHS) - Behavioral Health to implement the Laura's Law - Assisted Outpatient Treatment (AOT) pilot program to assist in determining the feasibility of implementation of Laura's Law;
2. Approve, and authorize the Chair of the Board to sign a resolution to fund the implementation of Laura's Law - AOT pilot program;
3. Approve, and authorize DHHS - Behavioral Health Branch to issue an RFP to contract for Laura's Law - AOT pilot program services; and
4. Discuss the Department of Health & Human Services - Behavioral Health Branch providing additional mobile response services to those in mental health crisis, including outreach and engagement to the most vulnerable populations.

SOURCE OF FUNDING:

Behavioral Health Fund (1170), General Fund (1100)

DISCUSSION:

The Lanterman-Petris-Short (LPS) Act of 1967, codified as Welfare & Institutions Code §5000-§5556, provides, in part, for involuntary commitment of individuals with serious mental illness for varying lengths of time for the purpose of treatment and evaluation, provided certain requirements are met.

There is much debate across the state of California as to whether Laura's Law should be utilized for those with serious mental illness whose condition is deteriorating, and/or are unlikely to survive safely in the community without supervision. A lack of funding and the ongoing controversy over forcing mentally ill persons into treatment have led many counties to decide against implementing Laura's Law. Some object to forced treatment if no crime has been committed. Others say the prospect could deter the mentally ill from seeking treatment voluntarily for fear they could wind up under court-ordered supervision. Those eligible for AOT are regularly using resources today through the criminal

justice system and psychiatric inpatient services (the criteria for eligibility into the program) with a high cost.

There are no dollars attached to this legislation, so no state funding is being provided to counties for implementation. In addition, AB 1976 explicitly states that funding the Laura's Law program "*may not reduce*" any existing voluntary behavioral health programs or services. During the current economy, counties must choose carefully what they fund, ensuring positive outcomes for use of limited resources.

On April 6, 2021, your Board met regarding the decision to either implement or opt out of implementing Laura's Law in the County of Humboldt. A motion was made to direct the Department of Health and Human Services in collaboration with the County Administrative Office to return with a supplemental budget and position allocation to implement Laura's Law or similar type of service program and request an extension from the state to opt out of Laura's Law.

Because there is no funding associated with Laura's Law, the costs are left to counties to incur. While some use MHSA funding or realignment, this would reduce current programs and services within Humboldt County, requiring that additional funds, from the General Fund or other, be allocated.

DHHS-BEHAVIORAL HEALTH THEREFORE PROPOSES AN AOT PILOT AS FOLLOWS:

- Make available up to 10 slots with a contracted provider for AOT services;
- No voluntary consumer can have services reduced; and
- DHHS-Behavioral Health and contracted provider will work with the courts, County Counsel, Public Defender, District Attorney, Public Guardian, and other partners such as law enforcement and hospitals to develop and implement the pilot program.

Approving the AOT Pilot would allow the County of Humboldt to determine what works for the county, and work with consumers, family members, and all the partners to create a process, modify the process as needed for successful implementation of the program, and then evaluate and review the outcomes for future planning.

AOT is a part of the continuum of care for Behavioral Health services. Currently, crisis services, in the form of Mobile Response Teams are available for both children and adults and are funded through grants that will sunset in November of this year. Staff will continue to seek alternate funding sources for these services as available. It is of paramount importance that County Behavioral Health continue to partner in this work and offer these services at an adequate level. Additional funding is needed so that these services can continue. If no other funding is secured, staff will be requesting additional General Fund or Measure Z funding for these services.

FINANCIAL IMPACT:

Additional funding from the General Fund (1100) is required. Immediate funding needed is for planning dollars and the remainder will be required as implementation progresses. Projected expenditures for planning and implementation of AOT Pilot are: Fiscal Year (FY) 2020-21 \$28,892; FY 2021-22 \$336,226; FY 2022-23 \$544,846.

Costs for FY 2020-21 in the amount of \$28,892 will be incurred by DHHS - Behavioral Health (1170-424). Costs for FY 2021-22 in the amount of \$336,226 was recommended for funding by the General Fund in the FY 2021-22 proposed budget. Funding for FY 2022-23 in the amount of \$544,846 will be explored through other funding sources, including Measure Z.

Expenditures related to AOT would be applied to DHHS-Behavioral Health Administration budget unit 1170-424, unless otherwise authorized.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by creating opportunities for improved safety and health and protecting vulnerable populations.

OTHER AGENCY INVOLVEMENT:

Superior Court (Presiding Judge), Sheriff, District Attorney, Public Defender, County Counsel.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to approve allocation of funds for Laura's Law; however, that is not recommended due to the potentially significant ongoing costs required to provide services for and oversee AOT cases for the County. DHHS-BH does not have the funds to start up programming to meet the requirements of AOT. Likewise, DHHS-BH does not have capacity to add this additional service without reducing other voluntary services or programs, thus must outsource services if Laura's Law is to be successfully implemented, while following the state directive to not reduce current services to implement Laura's Law.

ATTACHMENTS:

1. Resolution authorizing implementation of AOT pilot program
2. Assembly Bill Number 1976
3. Implementation Requirements for Laura's Law

PREVIOUS ACTION/REFERRAL:

Board Order No.: G-1;

Meeting of: 08/18/20; 04/06/21

File No.: 20-1031; 21-375