

COUNCILMEMBER LINDA MAIO
District 1

CONSENT CALENDAR
November 19, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Linda Maio

SUBJECT: Recommendation to the Alameda County Board of Supervisors
Regarding AB 1421 (“Laura’s Law”) for Mental Health Services

RECOMMENDATION:

Urge the Alameda County Board of Supervisors to adopt the recommendations for improved Mental Health Services as proposed by Health Care Services Director Alex Briscoe, and in particular to approve the pilot of Assisted Outpatient Treatment (AOT) for five seriously ill clients.

BACKGROUND:

AB1421 (“Laura’s Law”) provides community-based, assisted outpatient treatment to individuals who, as a result of their mental illness, are unable to access mental health services voluntarily and who qualify under a host of stringent criteria.

To date, Alameda County has opted not to implement AB1421, although all of California’s 58 counties are eligible to do so. Only Nevada County, home of Laura Wilcox, a victim of a severely mentally-ill person, has fully implemented. Los Angeles County has a pilot program and other counties are considering implementation. The Alameda County Board of Supervisors will be presented with a set of recommendations for implementation at their meeting of November 28, 2013.

The critical need for improved services for the mentally ill is all too apparent to first-line providers and family members. As the Police Chief from San Leandro reported at a recent gathering hosted by Congresswoman Barbara Lee, there are simply not enough services and facilities. Often when a client in critical condition is placed in John George Psychiatric Hospital or a similar facility, someone on the other end gets pushed out *before* s/he is well - only to enter the revolving door of illness and crisis once again. Director Briscoe has developed a set of recommendations to improve services. These services are eminently worth support from all sectors.

The more controversial part of Briscoe’s recommendations is the piloting of Assisted Outpatient Services (AOT) as outlined AB1421, for five clients. These clients would be those who have a documented serious mental illness; are unlikely to survive

safely in the community; historically lack compliance with treatment; have experienced two hospitalizations, prison, have been jailed in the past 36 months or committed a serious or violent act, made threats, or made attempts to harm one's self or others; have been offered an opportunity to participate in treatment and failed to engage or refused and their condition is in deterioration; and will likely benefit from treatment.

Approximately 40 % - 50% of those with severe mental illness lack awareness that they are ill and possess significant deficits in self-awareness. They are unable to consistently participate in voluntary treatment by choice alone and thus represent the most tragic of cases. Often, these persons end up in our emergency psychiatric hospitals, jail, or prison.

Daniel DeWitt is the young man who is accused of attacking and murdering Peter Cukor in a state of paranoid schizophrenia. Daniel DeWitt's parents continue to advocate for AB1421 stating they were not able to get appropriate help for their son in our current mental health system--not an uncommon story. Assisted Outpatient Treatment (AOT) is an upfront tool that could have helped Daniel before he became floridly psychotic. The proposed pilot for five mentally ill persons is a way for Alameda County to test and develop implementation of AOT in a way that respects patients' rights while helping them get the help they urgently need.

Because AOT is characterized by some as a violation of patients' rights, it is often dismissed out of hand without an understanding of how it can work. Misinformation is about it is rampant and the facts become shadowed. Recently, Nevada County, which has implemented AOT, visited Alameda County to present their implementation. Vice-Mayor Maio attended as did many parents of mentally ill persons, care providers, field professionals, and patients' rights advocates.

The Director of Turning Point (Nevada County's mental health provider) described their process along with Judge Anderson who handles these cases. What follows is an overview of how AOT is applied in Nevada County. It focuses on those persons who are in such a disabled state that they cannot voluntarily participate in services and have a long and current history of chronic interventions by police and emergency services.

Judge Anderson reported that the intervention before his court is not punitive. It is much like a mediation session with an agreed-upon outcome. In about 95% of the cases the outcome is a contract for a treatment plan between the client and the provider. Because it is administered by a judge, the clients are more apt to adhere to the treatment plan. Judge Anderson was very clear that the gravitas of the court makes the difference. It may take a few appearances before the court, but they report very successful outcomes.

In cases where a person cannot engage in treatment *and* is evidenced as seriously deteriorating, AB1421 can require the person to have a hospital

evaluation. It is important to note that although medication may be a part of the court-order and the individualized treatment plan, medications cannot be forced. Medication can only happen in a hospital and after a hearing. This is no different from what exists now.

Most of the audience, if not all, was impressed by Nevada County's humane approach. Patients' rights advocates cited their doubts that Alameda County could replicate Nevada County's humane approach. That is a good reason to include community oversight as a pilot goes forward. In the context of a pilot of only 5 people, it should be entirely possible for Alameda County to follow the pilot's progress very closely and to include community oversight to ensure integrity.

The piloting of AOT, a very small pilot indeed, should at the very least enable us to see for ourselves how this approach could help critically ill people. This approach can save lives, protect civil rights, increase public safety, save a good deal of money and resources, and improve the quality of life for the individual before s/he becomes gravely disabled or does harm to self or others.

The entire set of AB1421 recommendations can be found at:
<http://www.acbhcs.org>

FINANCIAL IMPLICATIONS:

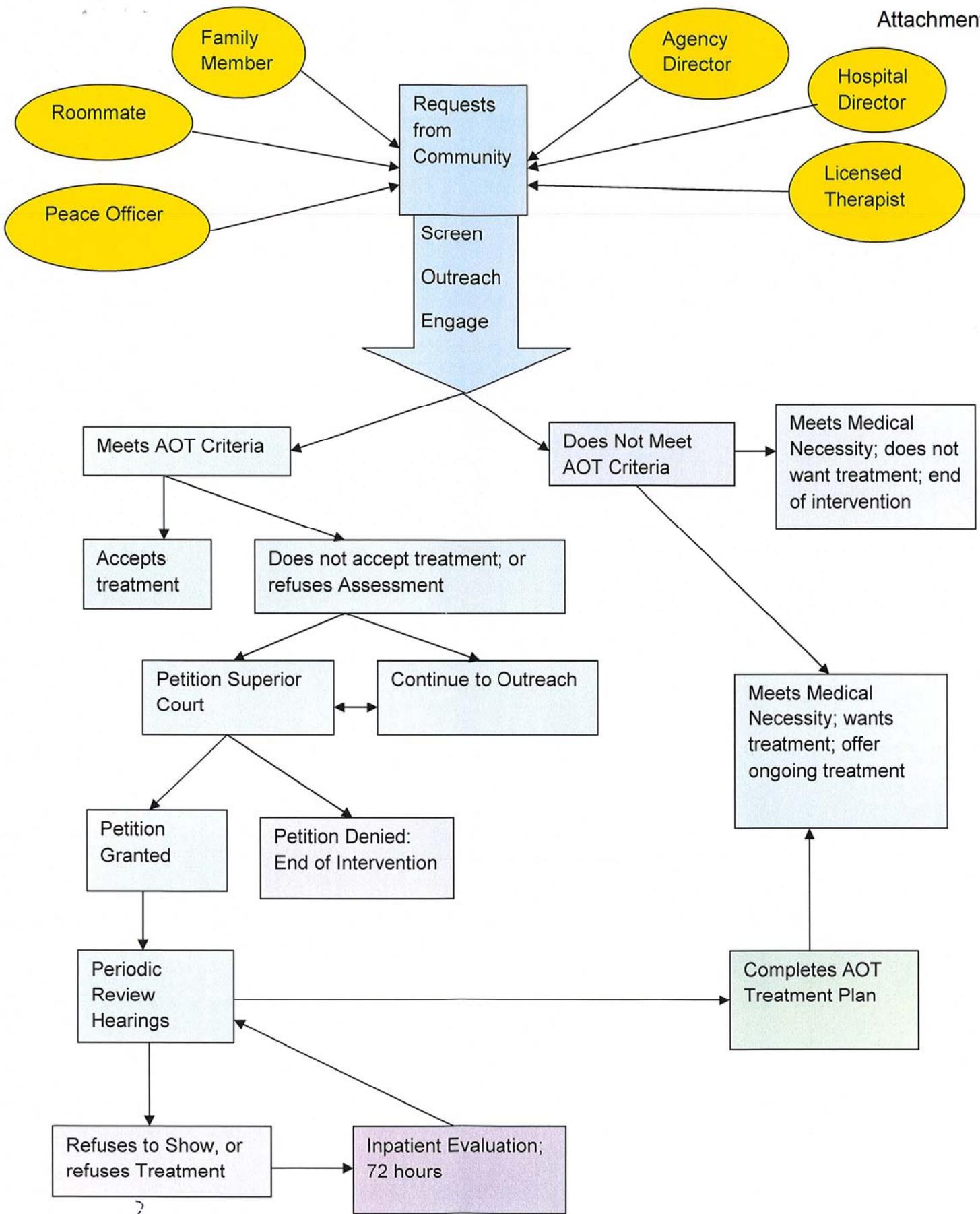
None at this time.

CONTACT:

Councilmember Linda Maio, District 1

ATTACHMENTS:

1. Flow chart
2. Letter from Millie Swafford, Director, Alameda County Criminal Justice Mental Health Services and CONREP



ultimately judge
could order a
hospital stay if
conditions are dire enough (starving herself)

at least 2/3 accept treatment
at this point voluntarily

*Millie Swafford, Director
Alameda County Criminal Justice Mental Health Services and CONREP
2055 Fairmont Drive, San Leandro, CA 94578*

April 8, 2012

RE: Laura's Law

To Whom It May Concern;

My hope is that our agency will have the courage to begin having meaningful talks and I am confident we can find a way to develop effective interventions that are intended to prevent harm while at the same time ensuring due process for consumers who adamantly oppose any type of "involuntary treatment". The "one size fits all" approach (no form of involuntary care) advocated so vociferously by a segment of consumers has so far been the only voice listened to at the tragic and traumatic expense of victims, the severely mentally impaired perpetrators themselves, and their families.

There is strong support for Laura's Law in the criminal justice mental health world and with families. Far too many mentally ill people end up in jail instead of hospitals because they do not engage in treatment in the community. These are our castaways. No matter how much voluntary outreach takes place, some individuals, because of the nature of their mental illnesses, do not respond. Involuntary outpatient treatment can be very effective, and it is the humane approach for persons who are unable to make rational decisions about their treatment needs. CONREP is a great example of how successful persons with mental illnesses can be with the appropriate type of interventions and support.

I want to strongly encourage BHCS to include the voices of families and criminal justice mental health workers in discussions about Laura's Law. Like so many issues, there is more than one perspective and voice.

When I received opposition for the Behavioral Health Court I said, and I continue to say, one size does not fit all. I hope our agency has the courage and compassion to stand up for the needs of those individuals and families who can benefit from Laura's Law.

Thank you,

*Millie Swafford, Director
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