



PLACER COUNTY GRAND JURY

Placer County Implements Assisted Outpatient Treatment “Laura’s Law”

June 23, 2016

Placer County Implements Assisted Outpatient Treatment “Laura’s Law”

Summary

Assisted Out-Patient Treatment, commonly known as Laura’s Law¹, is intended to provide case management and other mental health services to individuals 18 and older who would otherwise not seek or follow through on obtaining mental health services. In addition to other criteria, these individuals are suffering from a mental illness, are unlikely to survive safely in the community without supervision, and the individual’s condition is substantially deteriorating. As a result, they are in need of assisted outpatient treatment.

The Placer County Board of Supervisor’s adopted Laura’s Law in August of 2014. Following the planning process, the program was implemented on January 1, 2015.

To date, Laura’s Law has proven to be a useful tool within the county. Placer County has successfully planned for and implemented Laura’s Law. The exception to this is the need for a greater public awareness effort focused on Laura’s Law.

Background

A citizen’s complaint triggered the Grand Jury’s interest in the mental health conservancy process in Placer County. After initial review the Grand Jury focused on a sub-section of the conservatorship process, specifically the planning and implementation of Laura’s Law.

In August, 2014 Placer County became the sixth county in California to adopt Laura’s Law (Welfare and Institutions Code 5346). This law authorizes court-ordered assisted outpatient treatment of residents with severe mental illnesses who have significant mental health treatment needs but do not meet the 5150² requirements that justify hospitalization. After a six month planning process, the structure and services related to the law were implemented by Placer County in January, 2015.

¹ California W&I Code Section 5346-5349.5

² Section 5150 is a section of the California Welfare and Institutions Code which authorizes a qualified officer or clinician to involuntarily confine a person suspected to have a mental disorder that makes him or her a danger to him or herself, a danger to others, and/or gravely disabled. A qualified officer, which includes any California peace officer, as well as any specifically designated county clinician, can request the confinement after signing a written declaration).

Assisted Out-Patient Treatment, commonly known as Laura's Law, is intended to provide case management and other services to individuals 18 and older who would otherwise not seek or follow through on obtaining mental health services. The legislation resulted from the homicide of a mental health worker and two others by an individual who was a mental health patient in Nevada County, California. Implementation of the law is voluntary for California counties. Similar legislation has been passed and implemented in other States.

Investigation Methods

The 2015-2016 Grand Jury reviewed and researched the planning for implementation and early operational experience of the program in Placer County. This included:

- Current state and county laws, regulations, and processes
- Participation by other county and local governments
- Participation by community organizations and mental health advocates
- Early data and assessments of program outcomes
- Current Placer County public education efforts
- First responder training (police, fire, etc.)

The grand jury interviewed management staff of Placer County Health and Human Services to determine the structure and integration of the complex issues involved in providing mental health support services and mental health conservatorship to those in need.

One member of the Grand Jury was recused to avoid any conflict of interest and the appearance of bias.

Facts

- Laura's Law, Assembly Bill 1421, Statutes of 2001/02, enacted at W&I Code Sections 5345-5349.5, was signed into law by the Governor of California on September 28, 2002.
- Laura's Law provides for court ordered outpatient treatment for those 18 and older who are not currently meeting the threshold of being a threat to themselves or others. Laura's Law is intended to provide case management and other mental health services to individuals who would otherwise not seek or follow through on obtaining mental health services. In addition to other criteria, these individuals are suffering from a mental illness, are unlikely to survive safely in the community without supervision, and the individual's condition is substantially deteriorating. As a result, there is a need for assisted outpatient treatment.
- County implementation of the Laura's Law is optional under the statute.

- Laura’s Law was adopted by Placer County in August, 2014, with an implementation date of January 1, 2015.
- The data used in this report reflects the limited time Laura’s Law has been in effect in Placer County.
- The law allows providers and/or family members to participate in treatment planning and delivery without the patient's consent.
- Laura's Law is a civil rather than a criminal matter. Legal counsel represents the client. The District Attorney is not involved.
- The County Public Guardian provides services and fiduciary responsibilities to clients who are in conservatorships. There are currently two types of mental health conservatorships: Probate and the Lanterman, Petris, Short Act (LPS).³
 - a) Probate involves clients with cognitive disabilities and/or low income possessing little property, or those who are aged and unable to handle their affairs.⁴
 - Placer County had 41 Probate cases in fiscal year 2014-2015
 - b) LPS involves conservatorship for a person and/or his or her estate if the person is gravely disabled as a result of a mental health disorder or impairment by chronic alcoholism.⁵
 - Placer County had 67 LPS cases in fiscal year 2014-2015
- The Probate process usually starts with identification of need by a friend, family member, or Placer County Adult Systems of Care staff.

³ The Lanterman–Petris–Short (LPS) Act (California Welfare & Institutions Code, Section 5000 et seq.) concerns the involuntary civil commitment to a mental health institution in the State of California. The act set the precedent for modern mental health commitment procedures in the United States.

⁴ Probate Code Section 1801: Probate conservatorship may be established when a person is unable to provide for their physical health, food, clothing or shelter, or unable to manage their estate due to cognitive impairment.

⁵ California Welfare & Institutions Code, Sections 5008, 5350

- The LPS process usually starts with a referral from Cirby Hills⁶ for an assessment of a person’s mental ability to care for themselves, or their need for mental health treatment. Mental Health staff has the authority to refer a client for a court determination of the need for legal conservatorship. The LPS process is oriented to client needs and rights. It includes client rights advocates, family, County Counsel, Public Defender, law enforcement, mental health professionals and a judge.
- Laura’s Law is a further step that can be implemented under the LPS Act.
- The planning process of implementing Laura’s Law involved the joint effort of:
 - County mental health services
 - Adult Systems of Care
 - Placer County Mental Health, Alcohol and Drug Board
 - Law enforcement
 - County courts
 - Cirby Hills
 - Turning Point⁷
 - Mental health advocates
 - Public Defender
 - County Counsel
- Law enforcement training on Laura’s Law is included in the “Crises Intervention Academy” curriculum that is provided by Placer County Health and Human Services. Ongoing mental health training for law enforcement includes information on Laura’s Law.

⁶ (<http://www.telecarecorp.com/programs/30>) Telecare Corporation and Placer County, California, jointly operate a 16-bed Psychiatric Health Facility (PHF) that provides psychiatric treatment services for adults who are in an acute phase of their psychiatric illness. The PHF is located within Placer County’s Mental Health Services building in Roseville, California and is referred to as Cirby Hills. The building also houses a 15-bed social rehabilitation facility and the mental health emergency intake department. This service configuration optimizes rapid accessibility to the most appropriate level of care and provides continuity within Placer County’s system of care. The PHF is licensed through the California Department of Mental Health under Title XXII of the California Code of Regulations.

⁷ (<http://www.tpcp.org/about>) From this website: “Turning Point Community Programs began in 1976 with a unique vision about offering caring, hope, respect, and support on the path to recovery and mental health. From small beginnings as an agency with only two full-time employees, Turning Point now serves close to 5,000 mental health consumers in seven counties each year.

Many of our employees include folks in recovery who are able to encourage and offer hope to others. Innovation and striving for excellence are hallmarks of Turning Point.”

- As of the date of the writing of this report there have been ten client referrals pursuant to Laura's Law:
 - One resulted in a court order for Assisted Outpatient Treatment that expired after 6 months, and was not renewed.
 - One client failed to comply with the court order and the court is considering further action.
 - Two are currently in jail with voluntary agreements to participate in treatment upon release.
 - Six opted for voluntary treatment without going to court.
- The County's planning estimate for January 2015 through June 2015 was a total of 20 referrals to Laura's Law.
- County efforts to publicize Laura's Law and its effects:
 - Press releases
 - Presentations to and training of law enforcement
 - Presentations to local mental health advocates
 - Hand outs at local events (e.g. Gold Country Fair)
 - Creation and limited distribution of a county mental health brochure entitled "Placer County Assisted Outpatient Treatment"
- Except for informational cards to Emergency Medical Technicians (EMTs), the county has not done extensive outreach regarding Laura's Law to the general public, schools, colleges or private medical professionals. The county is currently considering expanding this effort but no specific plan has been developed.

Findings

- F1. When the Placer County Board of Supervisors adopted Laura's Law, Placer County moved quickly and comprehensively to plan for and implement this program.
- F2. Laura's Law is an effective legal option in delivering needed mental health services in Placer County.
- F3. Laura's Law has been useful in encouraging voluntary participation in mental health services.
- F4. There has been limited usage of Laura's Law since its implementation.
- F5. There has been insufficient outreach to medical and educational professionals and the general public beyond the limited distribution of a basic flyer.

Conclusion

To date, Laura's Law has proven to be an effective option to support client participation in outpatient mental health services. Placer County successfully planned for and implemented Laura's Law with the noted exception of the public awareness effort.

Recommendations

The Grand Jury recommends that:

- R1. Placer County Health and Human Services expand current information outreach efforts to make medical and education professionals, as well as the general population, more aware of Laura's Law. This would include the Law's benefits, qualifications and operational policies.

Request For Responses:

	<u>Recommendations Requiring Response</u>	<u>Response Due Date</u>
Mr. Jeff Brown Director, Health and Human Services 3091 County Center Drive #290 Auburn, CA, 95603	R1	August 31, 2016

Copies sent to:

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