



# COUNTY OF SAN DIEGO

## AGENDA ITEM

### BOARD OF SUPERVISORS

GREG COX  
First District

DIANNE JACOB  
Second District

DAVE ROBERTS  
Third District

RON ROBERTS  
Fourth District

BILL HORN  
Fifth District

**DATE:** July 30, 2013

**06**

**TO:** Board of Supervisors

**SUBJECT:** REVIEW OF SERVICES FOR INDIVIDUALS WITH SERIOUS MENTAL ILLNESS WHO ARE RESISTANT TO TREATMENT (DISTRICTS: ALL)

### Overview

The Health and Human Services Agency (HHS) provides a robust continuum of care for adults who are seriously mentally ill. For residents with acute needs there is an array of countywide services that include acute care psychiatric hospitals, crisis residential treatment programs, intensive case management programs, outreach and engagement services, and Conservatorship.

During 2010, extensive community input was received on potential enhancements to the existing continuum of adult mental health services. Included in this discussion was AB 1421 (Laura's Law), an assisted outpatient treatment program passed by the California Legislature in 2002. To date, Laura's Law has only been fully implemented in Nevada County.

On September 27, 2011 (7), the Board of Supervisors approved the implementation of the In-Home Outreach Team (IHOT) pilot in the North Coastal, Central, and East regions of the county as an alternative to Laura's Law. The program was implemented in January 2012 and provides intensive in home outreach to adults with serious mental illness who are reluctant or resistant to receiving mental health services. The primary goal is to engage individuals so they can more readily accept services that will meet their unique needs, and to link them to services within the existing treatment system. The IHOT program also provides extensive support and education to family members.

On March 19, 2013 (5), your Board directed the Chief Administrative Officer to (1) analyze the differences and similarities in services, staffing and costs between the County of San Diego's (IHOT) program and Laura's Law; (2) provide a complete review and analysis of related proposed Laura's Law legislation; (3) provide recommended next steps in closing the gaps, if any, between IHOT and Laura's Law; (4) provide quarterly comprehensive updates on the results of IHOT to the Board; and (5) report back to the Board within 90 days.

HHS subsequently convened a multi-disciplinary team comprised of representatives from across the County enterprise along with representatives from the Superior Court and the San Diego Police Department. The attached report provides the team's review and analysis regarding

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implementing Laura’s Law in San Diego County. Today’s proposed actions are to receive the report that recommends intent to expand IHOT countywide. Additionally, staff will continue to study the feasibility of moving towards implementation of Laura’s Law in San Diego County. This implementation is contingent upon the availability of sufficient funds, enactment of legislative remedies to streamline Laura’s Law and ongoing review of data to validate the need for implementation. Staff will provide updates to the Board on progress towards implementation.

These actions support the County’s adopted *Live Well San Diego* initiative as they seek to ensure the provision of a comprehensive continuum of care for individuals who are extremely mentally ill and have not engaged in treatment, while protecting public safety.

**Recommendation(s)**

**CHIEF ADMINISTRATIVE OFFICER**

1. Receive the attached report “Review of Services for Individuals with Serious Mental Illness Who are Resistant to Treatment”.
2. In accordance with Section 401, Article XXIII of the County Administrative Code authorize the Director, Department of Purchasing and Contracting to issue a Competitive Solicitation to procure necessary services to expand and enhance the In Home Outreach Team program countywide, and upon successful negotiations and determination of a fair and reasonable price, and subject to the availability of funds, award a contract for an initial term of one year, with up to six option years and up to an additional six months if needed, and to amend the contract as needed to reflect changes to services and funding, subject to the approval of the Director, Health and Human Services Agency.
3. Report back to the Board with next steps toward implementation of Laura’s Law providing progress towards identification of sufficient funds and legislative remedies to streamline the law. These reports will be included in the In Home Outreach Team (IHOT) quarterly updates and will contain review of data to validate the need for potential implementation.

**Fiscal Impact**

Funds for this request are included in the Fiscal Year 2013-15 Approved Operational Plan in the Health and Human Services Agency. If approved, this request will result in Fiscal Year 2013-14 estimated costs and revenue of \$500,000, and subsequent year costs and revenue of \$2,300,000. The funding source is Mental Health Services Act, Realignment and Federal Financial Participation. No additional staff years are necessary for Fiscal Year 2013-14, but in Fiscal Year 2014-15, it is anticipated that up to three additional staff years may be required. Subsequent changes for staff years will be requested through the Fiscal Year 2014-16 Recommended Operational Plan or a mid-year Board Letter, as needed. There is no change in net General Fund cost.

**Business Impact Statement**

N/A

**Advisory Board Statement**

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At a special meeting on July 9, 2013, the Mental Health Board took an eight to one vote to support the actions contained in this Board Letter with amendments to recommendation number three. The suggested amendments included adding clear timelines, providing updates on the implementation of Laura's Law, and better communication of IHOT and other available services for individuals with serious mental illness who are resistant to treatment.

**Background**

The Health and Human Services Agency (HHS) provides myriad of services to help county residents lead healthy, safe, and thriving lives. This includes protective services, preventive health care, publicly funded health care coverage, self-sufficiency services, and mental health and substance abuse programs. The Behavioral Health Services (BHS) division within HHS provides a range of mental health, alcohol and other drug programs, promoting recovery and well-being through prevention, treatment and interventions.

Through the Behavioral Health Services Division and the Conservatorship Office, an array of services is available to adults, including those with severe mental health needs. Services available include acute care psychiatric hospitals, crisis residential treatment programs, intensive case management programs, outreach and engagement services and conservatorship.

In 2002 the California Legislature passed AB 1421, also known as Laura's Law, (now codified in Article 9 of Chapter 2, Part 1 of Division 5 of the Welfare & Institutions Code, beginning with section 5345). Laura's Law allows for court-ordered assisted outpatient treatment. Laura's Law is a court-ordered outpatient treatment program for seriously mentally ill individuals who have a history of refusing to accept treatment and who have a recent history of psychiatric hospitalizations, incarcerations, or threats or attempts of serious violence towards self or others.

Laura's Law was created as an additional tool to serve the mentally ill through court-ordered treatment. The present law does not include any form of involuntary or locked treatment, it does not specify any intervention by law enforcement, beyond what is currently available in Welfare and Institutions Code 5150, which governs the detention of Mentally Disordered Persons for evaluation and treatment, and does not permit the use of existing funding sources. Therefore, to strengthen public safety, Laura's Law needs to be enhanced.

The County is committed to enhancing services to mentally ill clients by ensuring that it has a robust tool kit to meet the needs of residents. A comprehensive continuum of care for mentally ill individuals must include effective tools to assist in serving those that are severely mentally ill and resistant to treatment. To strengthen the effectiveness of Laura's Law, and become a viable tool, changes are necessary to the enforcement process of the judicial order. Additionally, changes to current law are needed to allow the use of funding sources, such as the Mental Health Services Act (MHS), that are not currently an option.

Given the limitations of the current law, on September 27, 2011 (7), the Board of Supervisors approved the implementation of a pilot program, In-Home Outreach Team (IHOT), as an alternative to Laura's Law. IHOT, a three-year pilot program, was implemented on January 1,

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2012, in three of the six HHSa geographical service regions - North Coastal, Central and East. Using mobile teams, the goal of IHOT is to support and educate treatment-resistant individuals and their families to engage in appropriate services available in the community. IHOT does not directly provide treatment services, but rather links individuals to existing services within the adult mental health system.

In addition to the IHOT program, severely mentally ill adults can receive services through one of eight Full Service Partnership (FSP) programs available countywide. This evidence-based approach follows an Assertive Community Treatment (ACT) model that provides intensive services to individuals who often have complex conditions which include co-existing problems such as primary health conditions, homelessness, substance use disorders, and involvement with the justice system.

In addition to IHOT and FSP-ACT programs, Welfare and Institutions Code 5300-5372 specifies that any individual who is believed to be gravely disabled by a professional in charge of an agency providing comprehensive evaluation or intensive treatment may recommend the establishment of a Conservatorship of the person to require treatment. The Conservatorship Office investigates these referrals and determines if criteria is met for temporary and permanent conservatorships. In a separate process that can be initiated by any interested party including family members, the Conservatorship Office, through Welfare and Institutions Code 5200-5213, can assist in petitioning the Court for any person alleged, as a result of mental disorder, to be a danger to self or others, or to be gravely disabled. This action could lead to an evaluation of the individual's condition and result in the Court establishing a conservatorship of the person and the appointment of a conservator, who is authorized to require the conservatee to undergo treatment.

On March 19, 2013 (5), your Board directed the Chief Administrative Officer to (1) analyze the differences and similarities between the County of San Diego's IHOT program and Laura's Law, specifically service, staffing and costs; (2) provide a complete review and analysis of related proposed Laura's Law legislation; (3) provide recommended next steps in closing the gaps, if any, between IHOT and Laura's Law; (4) provide quarterly comprehensive updates on the results of IHOT to the Board; and (5) report back to the Board within 90 days.

As a result of your Board's direction, HHSa convened a multi-disciplinary team comprised of representatives across the County enterprise, including the Office of Strategy and Intergovernmental Affairs and specifically the Public Safety Group (PSG), with participation from the Sheriff's Department, the Office of the District Attorney and the Public Defender and Probation Departments. Additionally, representatives from the Superior Court, the San Diego Police Department, and Patients Rights Advocacy services collaborated with county staff on the analysis.

The attached report is the culmination of the analysis and review conducted. In addition to the analysis of IHOT and Laura's Law, the report contains a detailed review of available services, such as Full Service Partnership (FSP) programs and Conservatorship. It also has projected staffing and costs. Included in the cost review is a discussion of potential cost avoidance through the implementation of Laura's Law. Cost avoidance refers to actions that may cause future spending to be modified, but does not necessarily result in system-wide savings.

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Furthermore, the report contains a complete review of current legislation impacting Laura’s Law. During the current state legislative session, five pieces of proposed legislation were introduced that would impact the implementation of Laura’s Law. Assembly Bills 1265 and 1367, along with Senate Bills 364, 585 and 664 were considered. As outlined in more detail in the attached report, these bills are designed to remove the barriers faced by counties that have been a deterrent to the implementation of Laura’s Law. Senate Bills 585 and 364 are the remaining active pieces of legislation. SB 585 clarifies that Mental Health Services Act funding and other mental health funding streams may be used to fund implementation of Laura’s Law, and SB 364 proposes changes to the existing involuntary detention (“5150 hold”) process.

Today’s item provides an analysis which discusses potential opportunities for enhancement of the current continuum of care for adults who are seriously mentally ill. Based on this review it is the objective to enhance the system of care through the expansion of IHOT countywide, increase the capacity of FSP-ACT programs, increase the utilization of the Conservatorship Office, and to initiate the next steps toward the implementation of Laura’s Law, pending legislative remedies. The cost of this initial first phase of enhancements is estimated to be up to \$2.3 million, with an estimated \$500,000 for Fiscal Year (FY) 2013-14. No additional staff years are required for FY 2013-14, but in FY 2014-15 up to three additional staff years may be required. If necessary, subsequent changes for staff years will be brought before your Board.

In accordance with your Board’s direction, results of progress made towards implementation of Laura’s Law will be provided to the Board in the IHOT quarterly updates. As discussed above, these reports will include:

- Updates of preliminary IHOT expansion,
- Continued evaluation of data, and
- Legislative remedies that moves Laura’s Law to becoming an effective option, through:
  - Secured funding, and
  - Strengthened effectiveness of the Court Order.

**Linkage to the County of San Diego Strategic Plan**

This item supports the Healthy Families and Safe Communities initiatives in the County of San Diego’s 2013-2018 Strategic Plan, as it helps ensure the effective, efficient, and quality-driven provision of mental health treatment to individuals who are mentally ill and resistant to treatment, while protecting public safety.

Respectfully submitted,



HELEN N. ROBBINS-MEYER  
Chief Administrative Officer

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**ATTACHMENT(S)**

Attachment A-- Review of Services for Individuals with Serious Mental Illness Who are Resistant to Treatment

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**AGENDA ITEM INFORMATION SHEET**

**REQUIRES FOUR VOTES:**            Yes        No

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED**

   Yes        No

**PREVIOUS RELEVANT BOARD ACTIONS:**

March 19, 2013 (5), Board direction to Chief Administrative Officer for review and analysis of Laura’s Law; September 27, 2011 (7), Board approval for competitive solicitation and sole source authorization for Innovation and Community Services and Supports components of the Mental Health Services Act, including the IHOT program.

**BOARD POLICIES APPLICABLE:**

N/A

**BOARD POLICY STATEMENTS:**

N/A

**MANDATORY COMPLIANCE:**

N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):**

N/A

**ORIGINATING DEPARTMENT:** Health and Human Services Agency

**OTHER CONCURRENCES(S):** Public Safety Group, Sheriff, Probation, Public Defender, Purchasing and Contracting, Office of Strategy and Intergovernmental Affairs

**CONTACT PERSON(S):**

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