



LASSEN COUNTY

Health and Social Services Department

G3

- ☒ **HSS Administration**
- ☐ **Public Guardian**
336 Alexander Avenue
Susanville, CA 96130
(530) 251-8128
- ☐ **Grant and Loans Division**
336 Alexander Avenue
Susanville, CA 96130
(530) 251-2683
- ☐ **Behavioral Health**
555 Hospital Lane
Susanville, CA 96130
(530) 251-8108/8112

Chestnut Annex
1400-A & B Chestnut Street
Susanville, CA 96130
(530) 251-8112
- ☐ **Patients' Rights Advocate**
1445 Paul Bunyan Road
Susanville, CA 96130
(530) 251-8322
- ☐ **Public Health**
1445 Paul Bunyan Road
Susanville, CA 96130
(530) 251-8183
- ☐ **Environmental Health**
1445 Paul Bunyan Road
Susanville, CA 96130
(530) 251-8183
- ☐ **Community Social Services**
336 Alexander Avenue
Susanville, CA 96130

LassenWORKS
Business & Career Network
PO Box 1359
1616 Chestnut Street
Susanville, CA 96130
(530) 251-8152

Child & Family Services
1600 Chestnut Street
Susanville, CA 96130
(530) 251-8277

Adult Services
PO Box 429
1445 Paul Bunyan Road
Susanville, CA 96130
(530) 251-8158
- ☐ **HSS Fiscal**
PO Box 1180
Susanville, CA 96130
(530) 251-2614

Date: June 15, 2021

To: Aaron Albaugh, Chairman
Lassen County Board of Supervisors

From: Barbara Longo, Director
Health & Social Services

Subject: AB1976 Mental Health Services: Assisted
Outpatient Treatment

Background:

The Lanterman-Petris-Short (LPS) Act of 1967 provides 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. Additionally, the LPS provides for LPS conservatorship, resulting in involuntary commitment for the purposes of treatment, if an individual is found to meet the criteria of being a danger to themselves or others, or is gravely disabled, as defined by the law.

As an alternative to LPS conservatorship, current law also provides for court-ordered outpatient treatment through Assisted Outpatient Treatment (AOT), established by AB1421. In 2002, the California Legislature passed Assembly Bill 1421 (Thomson), also known as Laura's Law, in memory of Laura Wilcox, a young woman who was killed by an individual with mental health issues who refused treatment.

Laura's Law gives counties the option of implementing involuntary AOT programs for individuals who have difficulty maintaining their mental health stability and have frequent hospitalizations and contact with law enforcement related to untreated or undertreated mental illness.

In August 2020, the legislature passed AB1976, which will go into effect July 1, 2021. This bill requires a county or group of counties to implement an Assisted Outpatient Treatment (AOT) program under Laura's Law, or opt out of this requirement by a resolution passed by the governing body or bodies of the County of Lassen.

At a minimum, a county that agrees to implement Laura's Law must be community based, mobile, and have highly trained mental health teams that use high staff-to-client ratios of no more than ten clients per team member. The program must include family outreach support, supportive housing/ housing assistance and vocational rehab. In addition, every 60 days, the Director of the AOT program shall file an affidavit with the court affirming continued AOT treatment and report multiple data reports annually to the California Department of Health Care Services (DHCS). 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.

On April 13, 2021, Lassen County Behavioral Health held a stakeholder meeting to discuss the pros and cons of opting in or out of AB 1976. The discussion was divided equally: 3 opposed and three supported AB 1976. Although AOT may be a support system for Behavioral Health in larger, and even mid-size counties, smaller counties face an issue due to lack of capacity, resources and additional funding.

However, counties are required to opt-in or out annually, therefore, if funding and/or additional resources becomes available, Lassen County may reconsider and opt-in at a further date. Overall, opting-in to AB 1976 would either preclude or show a lack of necessity for the adoption of Laura's Law in Lassen County at this time.

Fiscal Impact:

There is no impact to County General Funds. This is a Resolution to Opt-Out of AB 1976.

Action Requested:

Adopt Resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN AUTHORIZING THE COUNTY TO OPT-OUT OF AB 1976, ASSISTED OUTPATIENT TREATMENT (AOT), ALSO KNOWN AS LAURA'S LAW.

WHEREAS; the Lanterman-Petris-Short Act (LPS; effective 1972) mandates that individuals deemed to be in serious need of mental health treatment may be admitted for evaluation and treatment on a 72-hour hold (W&I Code §5150). If the individual is unwilling or unable to remain voluntarily and further treatment is indicated the individual can be held for an additional limited period of up to 14 days (W & I Code §5250; and

WHEREAS, AB1421 Assisted Outpatient Treatment (AOT), or "Laura's Law" was signed into law in 2002 as an optional alternative to the LPS, providing court ordered intensive outpatient services for adults with serious mental illness who are experiencing repeated crisis events and who are not engaging in treatment on a voluntary basis; and

WHEREAS, AB1976 was signed into law in 2020 as an unfunded mandate requiring all Counties to either implement AOT by July 1, 2021 or opt-out by way of a resolution passed by the governing body stating the reasons for opting out and any facts or circumstances relied on in making that decision;

WHEREAS, the Lassen County Behavioral Health (LCBH) Department currently provides a wide-array of services that meet or exceed the services required by AOT, and finds it would best serve our residents to opt out of this bill because opting-in to AOT would lead to inefficient service redundancies; and

WHEREAS, LCBH held a stakeholder meeting to discuss the pros and cons of opting-in to AB1976. The result of the discussion was equally divided with three organization representatives in support of an opt-in option to AB 1976 and three opposed the opt-in option; and

WHEREAS, While Laura's law allows the court to order involuntary outpatient services; it does not allow for involuntary medication. Failure to comply with an order of AOT alone may not be grounds for involuntary civil commitment or the finding that the person is in contempt of court. Since no civil or criminal penalties are incurred for refusing to participate, the law's power lies in the "black robe" effect of the judge being able to convince the person with mental illness to accept treatment. Therefore, should an individual fail to participate in the court-ordered AOT, he or she may be held for a 72-hour involuntary stay in the hospital pursuant to W&I Code §5150; but, if the person does not meet the 5150 criteria at any point during the 72-hour initial hold, and does not agree to voluntarily stay in the hospital, they will be released; and

WHEREAS, AB 1976 specifically requires that AOT implementation cannot reduce or eliminate funding to existing programs. Implementation of AOT would require additional General Fund contribution or other non-behavioral health funding. **As a result of funding and staffing issues, the County needs to opt-out; and**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors for Lassen County does hereby authorize the County to opt-out of AB 1976, Assisted Outpatient Treatment (AOT).

The foregoing resolution was adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the 15th day of June 2021, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Aaron Albaugh
Chairman of the Board of Supervisors,
County of Lassen, State of California

ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

By: _____
Michele Yderraga, Deputy Clerk of the Board

I, Michele Yderraga, Deputy Clerk of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing Resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the 15th day of June 2021.

Deputy Clerk of the Board of Supervisors
County of Lassen