



COUNTY of SONOMA
DEPARTMENT OF HEALTH SERVICES

#1873

Rec.
8/30/04

Mark A. Kostielney - Director

Sharon Aguilera - Assistant Director

GRAND JURY

SEP 14 2004

August 27, 2004

TO: Allan Hardcastle, Presiding Judge
Superior Court, State of California
County of Sonoma

FROM: Mark Kostielney, MPH, Director, Department of Health Services
Cathy Geary, LCSW, Mental Health Services Director

SUBJECT: Response to the Grand Jury report, "Mental Health Services Division Release Procedures"

Finding 5. (Page 2/3) "Outpatient mental health programs for mandatory oversight of borderline treatment or release cases have been authorized by *State Law AB 1421* (Laura's Law). This law also allows participation of relatives in the hearing process. Additional costs would be incurred to implement Laura's Law, but advocates maintain that long-term benefits to patients and to society would far outweigh implementation costs."

Response: We agree, in part, with this finding.

Assembly Bill 1421 became effective January 1, 2003 and is scheduled to "sunset" on January 1, 2008. This legislation allows for counties to implement a program of mandatory outpatient treatment for mental health clients under certain conditions. These conditions include requirements to:

- Offer the same types of services to clients on a voluntary basis
- Use only new funding to implement this program
- Engage in a broad-based planning process which includes multiple stakeholders and considers services for a wide variety of clients with special needs
- Offer training for clients, staff, family members and other care-givers
- Meet new data and reporting requirements of the California Department of Mental Health
- Implement a distinct court procedure to mandate client participation in the program.

To date, no county has met all of these conditions, although Los Angeles County is attempting a similar type of program on a pilot basis, with approximately fifteen clients. Los Angeles County's pilot program is being challenged legally on the basis that similar services are not being offered to clients on a voluntary basis.

The services that are required to be provided as part of this program are similar to those provided in other assertive community treatment programs. Assertive Community Treatment

(ACT) has been demonstrated to be the only modality of treatment for individuals with serious and persistent mental illness that has reached the scientific threshold in order to be called an “evidence-based practice.”

Sonoma County has multiple examples of the use of assertive community treatment, including the demonstration project called the Forensic Assertive Community Treatment Team or FACT. Assertive Community Treatment programs generally produce significant, positive outcomes for clients in terms of reduction of use of hospital days, use of crisis services, number of days spent in jail; an increase in permanent housing; an increase in employment; and an overall increased quality of life for clients.

Most assertive community treatment programs require at least three times the amount of funding per client than is typically provided in California mental health programs. In some specialized programs, such as FACT, costs can run more than \$30,000 per client per year, or more than six times the statewide average cost per client. In exchange for these costs, benefits include positive client outcomes and sometimes result in the shift of costs from another public system; for example, a shift of costs from the criminal justice system to the local mental health system.

Recommendation 1. (Page 3/3) “The Department of Health Services (HS) and MHS should review and report on the benefits and concerns regarding the adoption and implementation of Laura’s Law in Sonoma County. This report and its conclusions should be sent to the Board of Supervisors.”

Response: This recommendation will not be implemented because it is not warranted. Under the terms and conditions of the legislation itself, AB 1421 can only be considered for implementation when similar services exist that can be offered on a voluntary basis to clients in need. These services include “community-based, mobile, multidisciplinary, highly trained mental health teams that use high staff-to-client ratios of no more than 10 clients per team member.” (WIC 5348(a)(1))

Current and projected levels of mental health funding have not allowed Sonoma County, or any other county in California, to implement this legislation. While the Department recognizes and strongly promotes the practice of assertive community treatment teams, it is not anticipated that any future funding would be adequate for Sonoma County to meet the required threshold for offering these types of services on a voluntary basis.

Recommendation 2. (Page 3/3) “This report and its conclusions on Laura’s Law should be sent to the 2004-2005 grand jury.”

Response: See Response to Recommendation 1.

cc: Allan Hardcastle, Presiding Judge of the Superior Court
Members, Board of Supervisors
Denise Gordon, Court Executive Officer
Mike Chrystal, County Administrator
Eeve Lewis, County Clerk