

**Amended in Committee. 7/12/10**

FILE NO. 100751

RESOLUTION NO.

[Implementation of Assembly Bill 1421 – Assisted Outpatient Treatment, Laura’s Law”]

**Resolution authorizing the implementation of assisted outpatient treatment in the City and County of San Francisco, requesting the Controller conduct an analysis of mental health funding levels, and establishing a “Laura’s Law Task Force” to oversee implementation of the measure.**

WHEREAS, The State of California enacted Assembly Bill 1421 (Chapter 1017, Statutes of 2002), which is codified in California Welfare and Institutions Code Sections 5345-5349.5, which became effective on January 1, 2003 and is scheduled to sunset in 2013 absent reauthorization from the Legislature and Governor; and

WHEREAS, Welfare and Institutions Code Section 5349 provides that “this article shall be operative in those counties in which the county board of supervisors, by resolution, authorizes its application and makes a finding that no voluntary mental health program serving adults, and no children’s mental health program, may be reduced as a result of the implementation of this article,”; and

WHEREAS, AB 1421 provides for Assisted Outpatient Treatment (AOT), a modality that consists of community-based, mobile, multidisciplinary, highly trained mental health teams that use high staff-to-client ratios;

WHEREAS, AB 1421 provides that these AOT services shall be voluntarily provided, and that a court may order treatment for individuals based on criteria outlined in Welfare and Institutions Code Section 5346(a), which include the following:

(1) The person is 18 years of age or older,

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BOARD OF SUPERVISORS

1 (2) The person is suffering from a mental illness as defined in paragraphs (2) and (3)  
2 of subdivision (b) of Section 5600.3,

3 (3) There has been a clinical determination that the person is unlikely to survive safely  
4 in the community without supervision,

5 (4) The person has a history of lack of compliance with treatment for his or her mental  
6 illness, in that at least one of the following is true: (A) The person's mental illness has, at least  
7 twice within the last 36 months, been a substantial factor in necessitating hospitalization, or  
8 receipt of services in a forensic or other mental health unit of a state correctional facility or  
9 local correctional facility, not including any period during which the person was hospitalized or  
10 incarcerated immediately preceding the filing of the petition, or (B) The person's mental  
11 illness has resulted in one or more acts of serious and violent behavior toward himself or  
12 herself or another, or threats, or attempts to cause serious physical harm to himself or herself  
13 or another within the last 48 months, not including any period in which the person was  
14 hospitalized or incarcerated immediately preceding the filing of the petition,

15 (5) The person has been offered an opportunity to participate in a treatment plan by  
16 the director of the local mental health department, or his or her designee, provided the  
17 treatment plan includes all of the services described in Section 5348, and the person  
18 continues to fail to engage in treatment,

19 (6) The person's condition is substantially deteriorating,

20 (7) Participation in the assisted outpatient treatment program would be the least  
21 restrictive placement necessary to ensure the person's recovery and stability,

22 (8) In view of the person's treatment history and current behavior, the person is in need  
23 of assisted outpatient treatment in order to prevent a relapse or deterioration that would be  
24 likely to result in grave disability or serious harm to himself or herself, or to others, as defined  
25 in Welfare and Institutions Code Section 5150, and

1 (9) It is likely that the person will benefit from assisted outpatient treatment; and

2 WHEREAS, AB 1421 is commonly known as “Laura’s Law” because its enactment  
3 came after 19-year-old college student Laura Wilcox was among three people shot to death  
4 on January 10, 2001 by a mentally ill patient at a Nevada County mental health facility; and,

5 WHEREAS, The service planning and delivery process requires consultation with law  
6 enforcement, the Mental Health Board, contract agencies, and family, client, ethnic and  
7 citizen constituency groups; and,

8 WHEREAS, The service planning and delivery process must provide for outreach to  
9 families, and must also require the provision of services to persons who are disabled, older  
10 adults, families of people with severe mental illness, young adults 25 years of age or younger  
11 who are homeless or at significant risk of becoming homeless, women from diverse cultural  
12 backgrounds including programs that address gender-specific trauma and rehabilitation, and  
13 people suffering from severe mental illness for less than one year; and

14 WHEREAS, The Board of Supervisors’ City Operations and Neighborhood Services  
15 Committee held an informational hearing on May 24, 2010 to discuss the implementation of  
16 this law, and held a second hearing on July 12, 2010 to discuss this specific resolution; now,  
17 therefore be it resolved

18 RESOLVED, That pursuant to Welfare and Institutions Code Sections 5349, the San  
19 Francisco Board of Supervisors authorizes the application of the provisions of Sections 5345-  
20 5349.5, and finds that no voluntary mental health program shall be reduced to implement this  
21 article; and, be it

22 ~~FURTHER RESOLVED, That the Board of Supervisors establishes a “Laura’s Law” AB~~  
23 ~~1421 Implementation Task Force; and, be it~~

1           FURTHER RESOLVED, That the Board requests the Controller to prepare an analysis  
2 of mental health funding each fiscal year that disaggregates AB 1421 funding, and shows the  
3 change in funding from year to year, if any; and, be it

4           FURTHER RESOLVED, That the implementation in this resolution, and all provisions  
5 herein, shall sunset on December 31, 2013.