

FILE NO. 100751

RESOLUTION NO.

1 [Implementation of Assembly Bill 1421 – Assisted Outpatient Treatment, Laura’s Law”]  
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3 **Resolution authorizing the implementation of assisted outpatient treatment in the City**  
4 **and County of San Francisco, requesting the Controller conduct an analysis of mental**  
5 **health funding levels, and establishing a “Laura’s Law Task Force” to oversee**  
6 **implementation of the measure.**  
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8 WHEREAS, The State of California enacted Assembly Bill 1421 (Chapter 1017,  
9 Statutes of 2802), which is codified in California Welfare and Institutions Code Sections 5345-  
10 5349.5, which became effective on January 1, 2003 and is scheduled to sunset in 2013  
11 absent reauthorization from the Legislature and Governor; and

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

17 WHEREAS, The San Francisco Board of Supervisors intends to implement these  
18 provisions on a pilot basis, ending no later than 2013; and

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

22 WHEREAS, AB 1421 provides that these AOT services shall be voluntarily provided,  
23 and that a court may order treatment for individuals based on criteria outlined in Welfare and  
24 Institutions Code Section 5346(a), which include the following:  
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- 1 (1) The person is 18 years of age or older,
- 2 (2) The person is suffering from a mental illness as defined in paragraphs (2) and (3)
- 3 of subdivision (b) of Section 5600.3,
- 4 (3) There has been a clinical determination that the person is unlikely to survive safely
- 5 in the community without supervision,
- 6 (4) The person has a history of lack of compliance with treatment for his or her mental
- 7 illness, in that at least one of the following is true: (A) The person's mental illness has, at least
- 8 twice within the last 36 months, been a substantial factor in necessitating hospitalization, or
- 9 receipt of services in a forensic or other mental health unit of a state correctional facility or
- 10 local correctional facility, not including any period during which the person was hospitalized or
- 11 incarcerated immediately preceding the filing of the petition, or (B) The person's mental
- 12 illness has resulted in one or more acts of serious and violent behavior toward himself or
- 13 herself or another, or threats, or attempts to cause serious physical harm to himself or herself
- 14 or another within the last 48 months, not including any period in which the person was
- 15 hospitalized or incarcerated immediately preceding the filing of the petition,
- 16 (5) The person has been offered an opportunity to participate in a treatment plan by
- 17 the director of the local mental health department, or his or her designee, provided the
- 18 treatment plan includes all of the services described in Section 5348, and the person
- 19 continues to fail to engage in treatment,
- 20 (6) The person's condition is substantially deteriorating,
- 21 (7) Participation in the assisted outpatient treatment program would be the least
- 22 restrictive placement necessary to ensure the person's recovery and stability,
- 23 (8) In view of the person's treatment history and current behavior, the person is in need
- 24 of assisted outpatient treatment in order to prevent a relapse or deterioration that would be
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1 likely to result in grave disability or serious harm to himself or herself, or to others, as defined  
2 in Welfare and Institutions Code Section 5150, and

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

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

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

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

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

20 RESOLVED, That pursuant to Welfare and Institutions Code Sections 5349, the San  
21 Francisco Board of Supervisors authorizes the application of the provisions of Sections 5345-  
22 5349.5, and finds that no voluntary mental health program shall be reduced to implement this  
23 article; and, be it

24 ~~FURTHER RESOLVED, That the Board of Supervisors establishes a "Laura's Law" AB~~  
25 ~~1421 Implementation Task Force; and, be it~~

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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 the Board requests the Department of Public  
4 Health to prepare reports measuring the efficacy of this program and to send copies of these  
5 reports to the Board of Supervisors when they are filed with the California Department of  
6 Mental Health; and, be it

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