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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 59

Introduced by Assembly Member Waldron
**(Coauthors: Assembly Members *Eggman*, *Gallagher*, *Harper*, *Kim*,
Lackey, *Mathis*, and *Olsen* ~~*Olsen*~~, and *Steinorth*)**
(Coauthors: Senators *Anderson*, *Bates*, *Cannella*, *Hall*, and *Huff*)

December 9, 2014

An act to amend Sections 5348 and 5349.5 of the Welfare and Institutions Code, relating to mental health services, and making an appropriation ~~thereof~~ *therefor*.

LEGISLATIVE COUNSEL'S DIGEST

AB 59, as amended, Waldron. Mental health services: assisted outpatient treatment.

Existing law, the Assisted Outpatient Treatment Demonstration Project Act of 2002, known as Laura's Law, until January 1, 2017, grants each county the authority to offer certain assisted outpatient treatment services for their residents by adoption of a resolution or through the county budget process and by making a finding that no mental health program, as specified, may be reduced as a result of implementation. Under that

law, participating counties are required to provide prescribed assisted outpatient services, including a service planning and delivery process, that are client-directed and employ psychosocial rehabilitation and recovery principles. Existing law authorizes participating counties to pay for the services provided from moneys distributed to the counties from various continuously appropriated funds, including the Local Revenue Fund and the Mental Health Services Fund when included in a county plan, as specified. Existing law requires the State Department of Health Care Services to submit a report and evaluation of all counties implementing any component of these provisions to the Governor and the Legislature by July 1, 2015.

This bill would extend the operation of the program until January 1, 2022, and would delete that reporting requirement. By extending the authorization to pay for the services using moneys from various continuously appropriated funds, the bill would make an appropriation.

Existing law requires a county that operates an assisted outpatient treatment program pursuant to these provisions to provide data to the department, and requires the department to report to the Legislature on or before May 1 of each year based on that data, as specified.

This bill would additionally require the department to report that information to the Governor.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5348 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 5348. (a) For purposes of subdivision (e) of Section 5346, a
- 4 county that chooses to provide assisted outpatient treatment
- 5 services pursuant to this article shall offer assisted outpatient
- 6 treatment services including, but not limited to, all of the following:
- 7 (1) Community-based, mobile, multidisciplinary, highly trained
- 8 mental health teams that use high staff-to-client ratios of no more
- 9 than 10 clients per team member for those subject to court-ordered
- 10 services pursuant to Section 5346.
- 11 (2) A service planning and delivery process that includes the
- 12 following:
- 13 (A) Determination of the numbers of persons to be served and
- 14 the programs and services that will be provided to meet their needs.

1 The local director of mental health shall consult with the sheriff,
2 the police chief, the probation officer, the mental health board,
3 contract agencies, and family, client, ethnic, and citizen
4 constituency groups as determined by the director.

5 (B) Plans for services, including outreach to families whose
6 severely mentally ill adult is living with them, design of mental
7 health services, coordination and access to medications, psychiatric
8 and psychological services, substance abuse services, supportive
9 housing or other housing assistance, vocational rehabilitation, and
10 veterans' services. Plans shall also contain evaluation strategies,
11 which shall consider cultural, linguistic, gender, age, and special
12 needs of minorities and those based on any characteristic listed or
13 defined in Section 11135 of the Government Code in the target
14 populations. Provision shall be made for staff with the cultural
15 background and linguistic skills necessary to remove barriers to
16 mental health services as a result of having
17 limited-English-speaking ability and cultural differences.
18 Recipients of outreach services may include families, the public,
19 primary care physicians, and others who are likely to come into
20 contact with individuals who may be suffering from an untreated
21 severe mental illness who would be likely to become homeless if
22 the illness continued to be untreated for a substantial period of
23 time. Outreach to adults may include adults voluntarily or
24 involuntarily hospitalized as a result of a severe mental illness.

25 (C) Provision for services to meet the needs of persons who are
26 physically disabled.

27 (D) Provision for services to meet the special needs of older
28 adults.

29 (E) Provision for family support and consultation services,
30 parenting support and consultation services, and peer support or
31 self-help group support, if appropriate.

32 (F) Provision for services to be client-directed and ~~that~~ to employ
33 psychosocial rehabilitation and recovery principles.

34 (G) Provision for psychiatric and psychological services that
35 are integrated with other services and for psychiatric and
36 psychological collaboration in overall service planning.

37 (H) Provision for services specifically directed to seriously
38 mentally ill young adults 25 years of age or younger who are
39 homeless or at significant risk of becoming homeless. These
40 provisions may include continuation of services that still would

1 be received through other funds had eligibility not been terminated
2 as a result of age.

3 (I) Services reflecting special needs of women from diverse
4 cultural backgrounds, including supportive housing that accepts
5 children, personal services coordinator therapeutic treatment, and
6 substance treatment programs that address gender-specific trauma
7 and abuse in the lives of persons with mental illness, and vocational
8 rehabilitation programs that offer job training programs free of
9 gender bias and sensitive to the needs of women.

10 (J) Provision for housing for clients that is immediate,
11 transitional, permanent, or all of these.

12 (K) Provision for clients who have been suffering from an
13 untreated severe mental illness for less than one year, and who do
14 not require the full range of services, but *who* are at risk of
15 becoming homeless unless a comprehensive individual and family
16 support services plan is implemented. These clients shall be served
17 in a manner that is designed to meet their needs.

18 (3) Each client shall have a clearly designated mental health
19 personal services coordinator who may be part of a
20 multidisciplinary treatment team—~~who~~ *that* is responsible for
21 providing or assuring needed services. Responsibilities include
22 complete assessment of the client's needs, development of the
23 client's personal services plan, linkage with all appropriate
24 community services, monitoring of the quality and followthrough
25 of services, and necessary advocacy to ensure each client receives
26 those services that are agreed to in the personal services plan. Each
27 client shall participate in the development of his or her personal
28 services plan, and responsible staff shall consult with the designated
29 conservator, if one has been appointed, and, with the consent of
30 the client, shall consult with the family and other significant
31 persons as appropriate.

32 (4) The individual personal services plan shall ensure that
33 persons subject to assisted outpatient treatment programs receive
34 age-appropriate, gender-appropriate, and culturally appropriate
35 services, to the extent feasible, that are designed to enable
36 recipients to:

37 (A) Live in the most independent, least restrictive housing
38 feasible in the local community, and, for clients with children, to
39 live in a supportive housing environment that strives for

1 reunification with their children or assists clients in maintaining
2 custody of their children as is appropriate.

3 (B) Engage in the highest level of work or productive activity
4 appropriate to their abilities and experience.

5 (C) Create and maintain a support system consisting of friends,
6 family, and participation in community activities.

7 (D) Access an appropriate level of academic education or
8 vocational training.

9 (E) Obtain an adequate income.

10 (F) Self-manage their illnesses and exert as much control as
11 possible over both the day-to-day and long-term decisions that
12 affect their lives.

13 (G) Access necessary physical health care and maintain the best
14 possible physical health.

15 (H) Reduce or eliminate serious antisocial or criminal behavior,
16 and thereby reduce or eliminate their contact with the criminal
17 justice system.

18 (I) Reduce or eliminate the distress caused by the symptoms of
19 mental illness.

20 (J) Have freedom from dangerous addictive substances.

21 (5) The individual personal services plan shall describe the
22 service array that meets the requirements of paragraph (4), and to
23 the extent applicable to the individual, the requirements of
24 paragraph (2).

25 (b) A county that provides assisted outpatient treatment services
26 pursuant to this article also shall offer the same services on a
27 voluntary basis.

28 (c) Involuntary medication shall not be allowed absent a separate
29 order by the court pursuant to Sections 5332 to 5336, inclusive.

30 (d) A county that operates an assisted outpatient treatment
31 program pursuant to this article shall provide data to the State
32 Department of Health Care Services and, based on the data, the
33 department shall report to the Governor and the Legislature on or
34 before May 1 of each year regarding the services the county
35 provides pursuant to this article. The report shall include, at a
36 minimum, an evaluation of the effectiveness of the strategies
37 employed by each program operated pursuant to this article in
38 reducing homelessness and hospitalization of persons in the
39 program and in reducing involvement with local law enforcement
40 by persons in the program. The evaluation and report shall also

1 include any other measures identified by the department regarding
2 persons in the program and all of the following, based on
3 information that is available:

4 (1) The number of persons served by the program and, of those,
5 the number who are able to maintain housing and the number who
6 maintain contact with the treatment system.

7 (2) The number of persons in the program with contacts with
8 local law enforcement, and the extent to which local and state
9 incarceration of persons in the program has been reduced or
10 avoided.

11 (3) The number of persons in the program participating in
12 employment services programs, including competitive employment.

13 (4) The days of hospitalization of persons in the program that
14 have been reduced or avoided.

15 (5) Adherence to prescribed treatment by persons in the program.

16 (6) Other indicators of successful engagement, if any, by persons
17 in the program.

18 (7) Victimization of persons in the program.

19 (8) Violent behavior of persons in the program.

20 (9) Substance abuse by persons in the program.

21 (10) Type, intensity, and frequency of treatment of persons in
22 the program.

23 (11) Extent to which enforcement mechanisms are used by the
24 program, when applicable.

25 (12) Social functioning of persons in the program.

26 (13) Skills in independent living of persons in the program.

27 (14) Satisfaction with program services both by those receiving
28 ~~them~~ *them*, and by their families, when relevant.

29 SEC. 2. Section 5349.5 of the Welfare and Institutions Code
30 is amended to read:

31 5349.5. This article shall remain in effect only until January
32 1, 2022, and as of that date is repealed, unless a later enacted
33 statute, that is enacted before January 1, 2022, deletes or extends
34 that date.