

AMENDED IN SENATE APRIL 3, 2008

SENATE BILL

No. 1606

Introduced by Senator Yee
(Coauthor: Assembly Member Wolk)

February 22, 2008

~~An act to amend Sections 5250, 5256.4, 5257, 5346, 5347, and 5348 of, and to repeal Section 5349 of, the Welfare and Institutions Code, An act to add Section 5349.3 to the Welfare and Institutions Code, relating to assisted outpatient treatment services.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1606, as amended, Yee. Assisted outpatient treatment services.

~~(1) Existing~~

~~Existing law, Laura's Law, allows courts in participating counties to order a person suffering from a mental illness to undergo assisted outpatient treatment if the court finds by clear and convincing evidence that the requirements for assisted outpatient treatment are met.~~

~~One of these requirements is that the person has been given an opportunity by the local director of mental health or his or her designee, to participate in treatment on a voluntary basis and the person fails or refuses to engage in treatment.~~

~~This bill would require the State Department of Mental Health, in consultation with a working group, comprised as specified, to conduct a study of individuals whose mental health needs are not currently being met because they do not meet the assisted outpatient treatment requirements but who have mental health needs that may not be met through voluntary services. This bill would require the department to report its findings to the Legislature and the Governor by January 1, 2010.~~

~~This bill would instead allow an order for assisted outpatient treatment for a person who had been offered any opportunity to participate in treatment but continues to fail to engage in treatment.~~

~~(2) Existing law provides for up to 14 days of intensive treatment for a mental disorder or impairment by chronic alcoholism for a person who has been involuntarily committed and received an evaluation that meets certain specified criteria. Under existing law, before a person may be certified for a 14-day intensive treatment program, he or she is entitled to a certification review hearing conducted by a court-appointed commissioner or referee, or a certification review hearing officer.~~

~~This bill would add to the list of those eligible for intensive treatment, persons who have been ordered to, or agreed to, undergo assisted outpatient treatment. This bill would allow the releasing treatment provider or the director of the facility where a person has been certified for intensive treatment, upon release of that person, to refer him or her to the county mental health director for evaluation for assisted outpatient treatment.~~

~~This bill would allow any relevant evidence of the person's eligibility for assisted outpatient treatment to be admitted in the certification review hearing. This bill would also allow the person conducting the hearing to refer the person to the county mental health director for assessment for assisted outpatient treatment if the person does not meet the criteria for certification for intensive treatment.~~

~~(3) Under existing law, the county mental health director, or his or her designee, may be petitioned by certain specified individuals to seek a court order authorizing assisted outpatient treatment. After an investigation, the county mental health director is required to make a determination as to whether there is a reasonable likelihood that all the necessary elements to sustain the petition can be proven in a court of law by clear and convincing evidence.~~

~~This bill would only allow the county mental health director or his or her designee to file the petition with the court if he or she reasonably believes that mental health services that will improve or stabilize the person subject to the petition are available.~~

~~(4) Existing law requires the hearing on the petition to be limited to facts stated in the petition in order to ensure adequate notice to the person who is subject to the petition.~~

~~This bill would delete that requirement.~~

~~(5) Existing law allows for extensions, for up to 180 days, of a court order requiring the person subject to the order to participate in assisted outpatient treatment.~~

~~This bill would allow for extensions of up to 360 days and provides that, if the administrative process for the extension is not complete before the expiration of the current order, that order would remain in effect until the process is final.~~

~~(6) Existing law requires the director of the outpatient treatment program to file an affidavit with the court at least every 60 days stating that the person subject to the order still meets the criteria for assisted outpatient treatment.~~

~~This bill would delete this requirement.~~

~~(7) Existing law permits settlement agreements allowing persons who have been determined by a court to meet the criteria for assisted outpatient treatment to undergo voluntary treatment, if certain conditions are met. Existing law prohibits treatment under a settlement agreement from exceeding 180 days and authorizes either party to request the court to modify the treatment plan at any time during that period.~~

~~This bill would instead provide that the 180-day limit on treatment under a settlement agreement shall only apply for an initial period of treatment and would prohibit settlement agreements for continuing assisted outpatient treatment from exceeding 360 days.~~

~~(8) Under existing law, Laura's Law is operative only in those counties in which the county board of supervisors, by resolution, authorizes its application. Existing law requires participating counties to provide specified assisted outpatient treatment services, and to report specified data to the State Department of Mental Health.~~

~~This bill would make the law operative in all counties and would revise the types of services counties would be required to provide for assisted outpatient treatment. By imposing new duties on counties, this bill would impose a state-mandated local program.~~

~~(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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

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

1 *SECTION 1. Section 5349.3 is added to the Welfare and*
2 *Institutions Code, to read:*

3 5349.3. (a) *The department shall conduct a study of individuals*
4 *whose mental health needs are not currently being met because*
5 *they do not meet the eligibility criteria under this article, but who*
6 *have current mental health needs that may not be met through*
7 *access to voluntary services. The study shall include the*
8 *characteristics of this population and barriers to their access to*
9 *mental health services.*

10 (b) *To complete the study, the department shall consult with a*
11 *working group to be comprised of the representatives from groups,*
12 *including, but not limited to, the following:*

13 (1) *State and county mental health programs.*

14 (2) *County mental health providers and private providers of*
15 *local mental health services and mental health outreach services.*

16 (3) *Advocacy groups for the mentally ill and their families.*

17 (4) *Other entities, as appropriate.*

18 (c) *The department shall report the findings of the study,*
19 *including any recommendations for improving access to services*
20 *for this population, to the Legislature and the Governor no later*
21 *than January 1, 2010.*

22 (d) *The department may accept funds from private nonprofit*
23 *entities to accomplish the purposes of this section.*

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**All matter omitted in this version of the bill
appears in the bill as introduced in the
Senate, February 22, 2008 (JR11)**