
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

SB 507 (Eggman) - Mental health services: assisted outpatient treatment

Version: April 8, 2021

Urgency: No

Hearing Date: May 3, 2021

Policy Vote: HEALTH 11 - 0, JUD. 11 - 0

Mandate: No

Consultant: Karen French

Bill Summary: SB 507 would amend the Assisted Outpatient Treatment (AOT) Demonstration Act of 2002, commonly referred to as Laura's Law, to expand the criteria for when AOT services may be court-ordered to include the requirement that AOT is needed to prevent a relapse or deterioration that would be likely to result in grave disability or serious harm to the person or to others, without also requiring that a person's condition be substantially deteriorating. This bill would additionally require the examining mental health professional to determine if the subject of the AOT petition has the capacity to give informed consent regarding psychotropic medication in their affidavit to the court, and would allow the subject of the petition or the examining mental health professional to appear before the court for testimony by videoconferencing.

Fiscal Impact: The Department of Health Care Services reports that there would be no fiscal impact.

Courts. Staff estimate unknown, potentially significant, ongoing cost pressures due to increased workload to the courts that will oversee additional AOT cases due to the broadening of criteria and required determination of informed consent. It generally costs \$8,032 (in FY 2020-21-2020) to operate a courtroom for one eight hour day, exclusive of the judge's salary.

Assuming an AOT hearing lasted an hour, there would only need to be fifty additional petitions filed and fifty hours of court time statewide to meet the committee's suspense threshold. Actual costs depend on how many petitions are filed and the time it takes courts to adjudicate proceedings.

Background: The Department of Health Care Services reports that there would be no fiscal impact. The CSA released LPS Act: *California Has Not Ensured That Individuals with Serious Mental Illnesses Receive Adequate Ongoing Care* on July 28, 2020.

The audit focused on the following issues in three counties (Los Angeles, San Francisco, and Shasta): a) Criteria for involuntary detention for those who are a danger to self or others or gravely disabled, due to a mental health condition, and criteria for conservatorship, and whether the counties have consistently followed those criteria; b) Differences in approaches among the counties in implementing the LPS Act, if any; c) Funding sources, and whether funding is a barrier to implementing the LPS Act; and, and d) Availability of treatment resources in each county.

Proposed Law: This bill seeks to implement the Auditor's recommendation to change the AOT eligibility criteria in order to make it applicable to former conservatees. The bill also addresses other issues raised in the Auditor's report. Specifically, in AOT proceedings, the bill would allow for remote testimony and would require information

related to the person's capacity to give informed consent regarding psychotropic medication to be provided to the court, as specified>

Related Legislation: .

SB 782 (Glazer) authorizes the filing of a petition to obtain AOT for a conservatee or former conservatee, as specified, who would benefit from AOT to reduce the risk of deteriorating mental health while living independently. *SB 782 is scheduled to be heard in this Committee on May3, 2021.*

Prior legislation. AB 1976 (Eggman) implements Laura's Law statewide, effective July 1, 2021, and permits counties to opt out of providing AOT services, as specified.

Staff Comments: Because Laura's Law permissive, local costs have not been included in the fiscal impact. While courts are not funded on a workload basis, an increase in workload could result in delayed services and would create pressure to increase the backfill amount appropriated from the General Fund for trial court operations.

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