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Landmark Mental Health Legislation Receives Renewed Attention

California Political Desk
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SACRAMENTO – Senator Leland Yee (D-San Francisco/San Mateo) has introduced legislation that would help local governments in providing assisted outpatient treatment (AOT) for people with severe mental illnesses. SB 1606 would remove a number of unnecessary and cumbersome requirements in the statute known as "Laura´s Law," and will allow counties to maximize their local dollars while giving appropriate services to the individuals who need AOT.

It has been seven years since 19-year-old Laura Wilcox was shot to death at a Nevada County mental health clinic by Scott Harlan Thorpe, a man with paranoid schizophrenia who consistently refused treatment. Five years ago, California passed Laura´s Law in her name, allowing counties to provide court-ordered community mental health treatment to people with severe mental illnesses who would otherwise be lost to the symptoms of their illnesses.

Despite impressive data from other states on the effectiveness of similar assisted outpatient treatment laws, California´s counties have been slow to implement.

"Assisted outpatient treatment is

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an extremely effective tool to care for these individuals and allows the sickest patients to get real care, removing them from the revolving door of repeated emergency room visits and arrests that are so costly to counties," said Yee. "It is time our local governments start using these lifesaving tools and stop ignoring those individuals who need comprehensive assistance."

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"It has been five years since Laura's Law took effect and relatively little movement has taken place among counties to adopt it," said Carla Jacobs, co-coordinator of the California Treatment Advocacy Coalition. "We have the framework and a mountain of data to support AOT, what we need is the will from local government leaders to put this statute into action. People are dying who could have been helped."

In 2002, the passage of Laura's Law was adopted without a mandate that counties implement Laura's Law. In addition, the State did not fund Laura's Law and thus most counties justified not implementing the law due to budget constraints.

Fortunately, money is no longer an issue since voters overwhelmingly passed Proposition 63 in 2004 which established a one percent tax on personal income above \$1 million to fund expanded health services for mentally ill children, adults, and seniors. Proposition 63 now provides a stream of funding for the intensive services that can be used pursuant to Laura's Law to help those for whom voluntary treatment has proven ineffective. Many local governments are now beginning to consider adopting assisted outpatient treatment in their communities. Nevada County is currently using Proposition 63 funding to implement Laura's law.

Now under Yee's SB 1606 counties will be given more flexibility to use existing county mental health services, rather than a brand new and possibly unnecessary program, to provide Laura's Law recipients' treatment. Specifically, the bill will delete a prerequisite for a local system to only use AOT in conjunction with a specified Program for Assertive Case Treatment (P/ACT) which requires an extremely high staff to patient ratio. Such expensive placements are only used about one-third of the time under New York's law, which Laura's Law is based.

In addition, the reform removes a mandate that a county have various minimum levels of unconnected voluntary services before it can use AOT; removes a misconception that intensive AOT services must be available to all consumers on a voluntary basis before implementing AOT for those who specifically need it; removes the necessity for a local Board of Supervisors to pass a resolution to

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implement the law; and provides a planning mechanism for people released from hospitals in order to keep them stable in the community.

"It is truly unfortunate that so many people who

may have benefited from assisted outpatient treatment have gone untreated because of the counties' failure to implement Laura's Law," said Laura's father, Nick Wilcox. "It seems that a person's right to be sick carries more weight than does society's duty to provide for the welfare of those in great need."

"Everyday I see the appalling treatment of our homeless mentally ill who are left to suffer or die on the streets of San Francisco," said Yee. "The treatment program most used in California today for people with severe untreated mental illnesses is prison, the most prevalent outpatient programs now in use for this population are homeless shelters. This is both unacceptable and inhumane."

"Assisted outpatient treatment offers a much-needed and less restrictive alternative to costly inpatient hospitalization for individuals who do not engage in treatment, even after multiple attempts by service providers to reach them," said Randall Hagar, director of governmental affairs at the California Psychiatric Association. "With a brain disease such as schizophrenia or bipolar disorder, a one-size-fits-all treatment plan will not work. Multiple approaches – voluntary and court-ordered – must be used to help people get better."

New York's Kendra's Law, which Laura's Law is patterned after, showed tremendous success and impressive results after just five years. Statewide data from Kendra's Law conclusively demonstrates that assisted outpatient treatment significantly reduces the severest consequences for participants who formerly had rejected treatment:

74% fewer people experienced homelessness

77% fewer experienced psychiatric hospitalization

83% fewer experienced arrest

87% fewer experienced incarceration

55% fewer attempted suicide or self-harm

49% fewer abused alcohol

48% fewer abused drugs

47% fewer physically harmed others

43% fewer threatened other with physical harm

46% fewer damaged or destroyed property

"Counties have always had the ability to implement Laura's Law in their communities," said Yee. "SB 1606 gives them greater incentives to provide the complete continuum of care necessary for people with severe and persistent mental illness to recover and live fulfilling, engaged and productive lives."