

Commission on Mental Health
Law Reform: Progress Report to
Joint Commission on Health Care

Richard J. Bonnie, Chair

August 12, 2008

Outline of Presentation

- Overview of the Reform Effort
- Summary of Commission Activities and Plans
- Status Report on Proposals Currently under Study

Overview of Status and Pace of Reform

Where We Now Stand

- Major first step taken in 2008, but much remains to be done
- Keep in mind goals of comprehensive reform

Goals of Comprehensive Reform

- Reduce need for commitment and other types of judicial involvement and prevent criminalization of mental illness by enhancing access to services to prevent crises or ameliorate them... and by drawing people into services by their own choice – system transformation is also “law reform”
- Provide needed mental health services to seriously mentally ill persons within CJS
- Redesign commitment process so that is more fair and effective: Coercion should be used as last resort, and only when necessary....
 - but when it is needed, it should be used and...
 - when it is used, it should be used effectively...AND fairly

5

Key Elements of Comprehensive Reform

- Make crisis stabilization alternatives to hospitalization and outpatient services for urgently needed care and other needed services and supports readily accessible
- Facilitate mental health interventions in appropriate cases by law enforcement officers through training and use of crisis stabilization facilities with “drop-off” capability
- Provide services to people who need them while incarcerated or under community supervision
- Modify commitment criteria to avoid unduly restrictive interpretations and promote greater consistency
- Improve quality and fairness of commitment decision-making
- De-stigmatize and “decriminalize” transportation of people with mental illness
- Give patients more opportunity to choose the treatment they receive, even when under commitment orders
- Use MOT as meaningful “less restrictive” alternative to hospitalization in appropriate cases

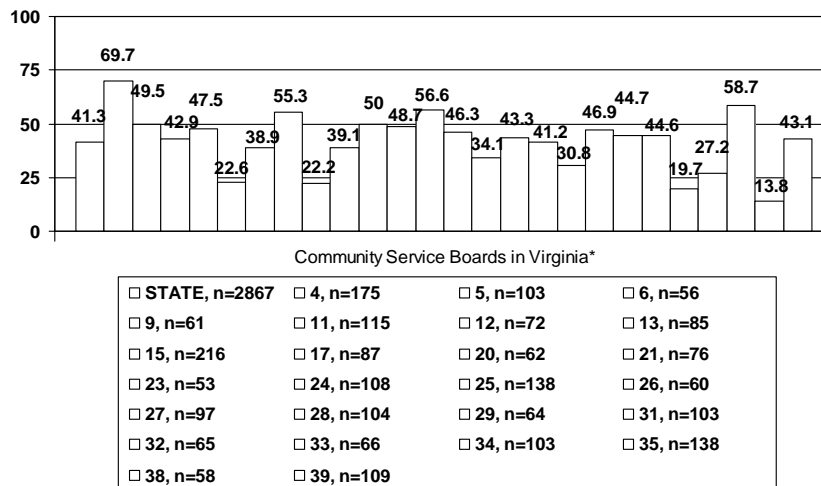
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The Challenge of Implementing Reforms Adopted in 2008

- Lack of coordination and oversight has been a major problem, as illustrated by Cho case
- New reforms will fail without fundamental improvement in coordination and training across systems at state and local levels
- Responsible state and local agencies and courts have responded very well; these efforts must be sustained
- Wide local variations in local procedures and outcomes, often reflecting different interpretations of commitment criteria, illustrate the challenges we face

7

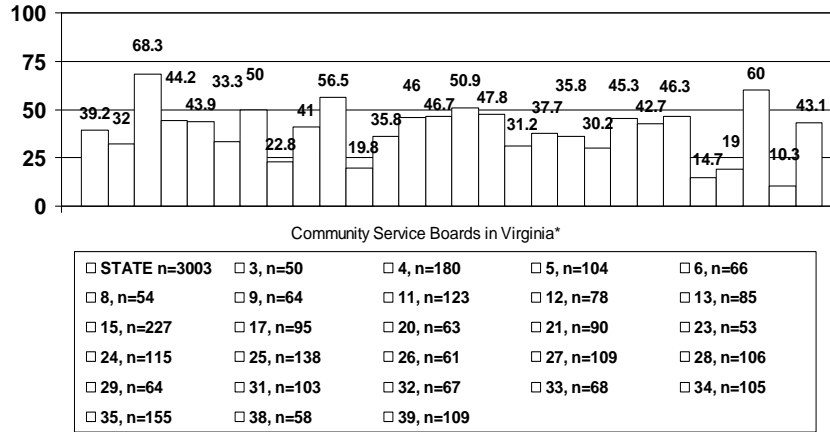
Percent of Crisis Contacts in which Involuntary Action was Taken by CSB



*Only those CSBs with 50 cases or more

CSB Study 2007

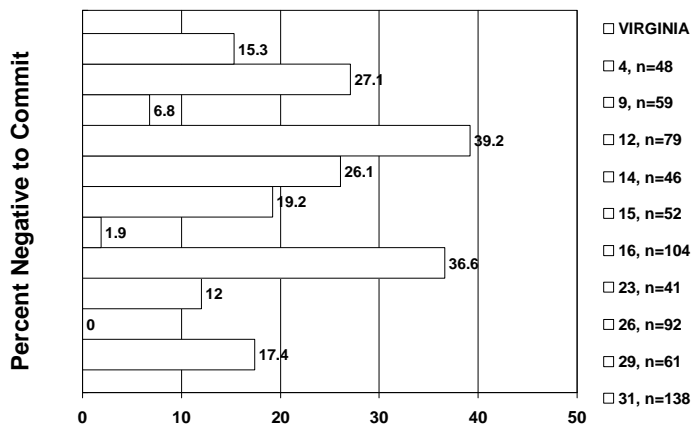
Percent of Crisis Contacts in which a TDO was Obtained by CSB



CSB Study 2007

*Only those CSBs with 50 cases or more

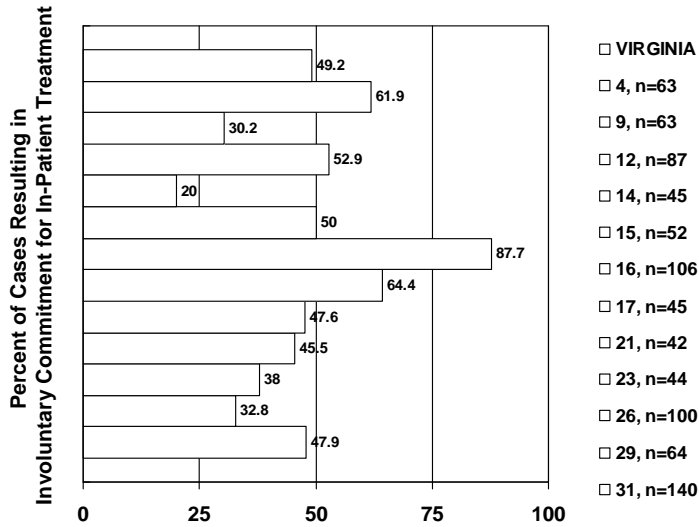
Negative Independent Examiner Certifications by District Court*



District Court Hearing Study 2007

*District Courts with 40 or more cases⁴⁰

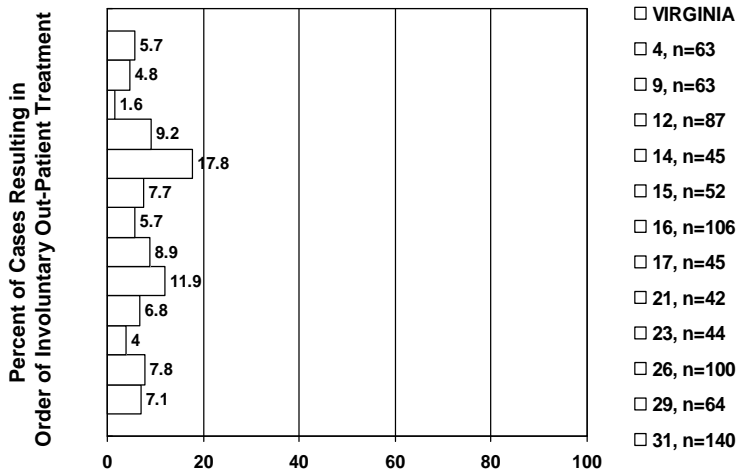
**Hearing Disposition by District Court,
Involuntarily Committed to Inpatient Treatment***



District Court Hearing Study 2007

*District Courts with 40 or more cases¹

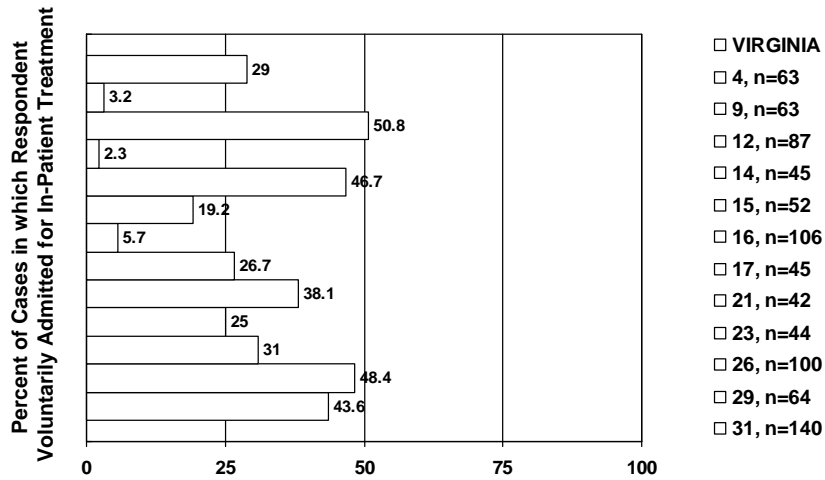
**Hearing Disposition by District Court,
Ordered to Obtain Outpatient Treatment***



District Court Hearing Study 2007

*District Courts with 40 or more cases²

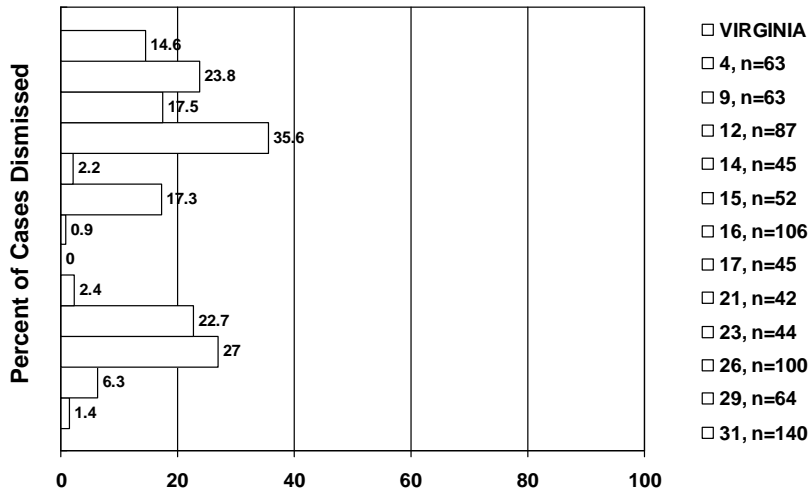
Hearing Disposition by District Court, Voluntarily Admitted for Inpatient Treatment*



District Court Hearing Study 2007

*District Courts with 40 or more cases³

Hearing Disposition by District Court, Case Dismissed and Respondent Released*

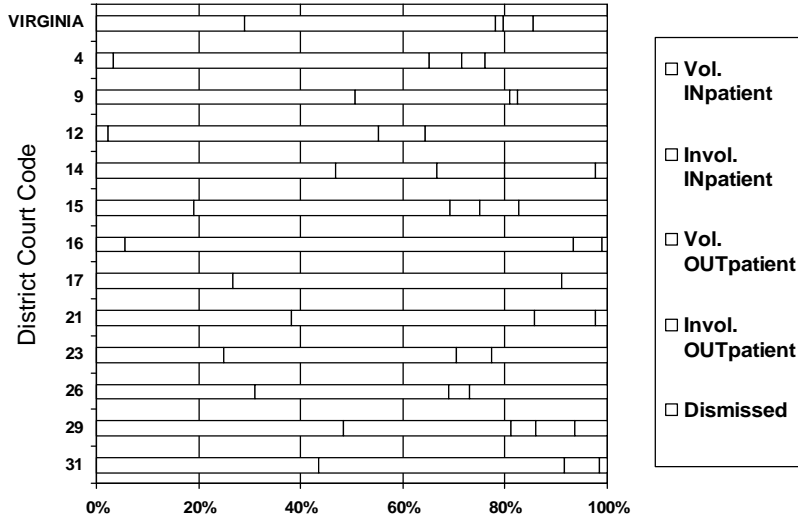


District Court Hearing Study 2007

*District Courts with 40 or more cases⁴

District Court Variations of All Possible Hearing Dispositions*

Percent of Cases Resulting in a Particular Disposition



District Court Hearing Study 2007

*District Courts with 40 or more cases ¹⁵

Frequency of Dismissal by Judge

<u># of Judges</u>	<u># of Cases Heard</u>	<u># Dismissed/Rate</u>
All (66)	1284	187 (14.6%)
8	326	99 (30.4%)
7	390	5 (1.3%)

16

Looking Forward

- Reform is a long-term process, and should proceed incrementally but purposefully
- This year, we need to consolidate 2008 reforms and continue to move forward in fiscally responsible way
- Commission is likely to focus on small number of revenue-neutral proposals for consideration by General Assembly in 2009, deferring more substantial proposals until 2010

17

II. Commission Activities and Plans

- Phase I: 9/06-4/08
- Phase II: 4/08-6/10

18

III. Status Report on Proposals Currently under Study

- Bills formally referred to Commission by Senate
- Other bills carried over and under study
- Other proposals under study