



Outpatient Civil
Commitment:

**A compassionate response
to anosognosia**

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AOT QUICK FACT CHECK



Practice of providing community-based mental health treatment under civil court commitment for people with **untreated severe mental illness** and a history of violence or repeated hospitalization.

- ✓ **48 States + DC permit AOT (also called outpatient commitment)**
- ✓ **States have AOT laws, but implementation is spotty**

What is Assisted Outpatient Treatment (AOT)?

- ▶ **AOT is the practice of providing community-based mental health treatment under civil court commitment, as a means of:**
 - **Motivating an adult with mental illness who struggles with voluntary treatment adherence to engage fully with their treatment plan; and**
 - **Focusing the attention of treatment providers on the need to diligently keep the person engaged in effective treatment.**

- ▶ **An AOT Program is a community collaboration to systematically implement AOT.**



Legal Aspects of AOT

- ▶ **Full due process protections** included, including representation by counsel.
- ▶ Provides an opportunity for more **rapid return to community support system**.
- ▶ Offers **the least restrictive and most integrated** setting for treatment.
- ▶ Allows for **rapid course-correction to prevent decompensation**.
- ▶ **Prevents reluctant treatment systems** from dropping difficult patients.

AOT is not Mental Health Court



▶ MHC is a criminal diversion court.

Being charged with a crime is required to participate.

▶ MHC is a voluntary program.

AOT is involuntary treatment.

▶ Consequences of treatment non-adherence are different.

- In MHC “sanctions” are used which can include incarceration
- Non-adherence in AOT does not result in a contempt of court charge.

MYTHS about AOT

AOT is
too expensive

AOT causes
participants to feel
coerced and/or
stigmatized

Offering
comprehensive
community-based
services eliminates
any need for AOT

AOT efficacy is
unsupported by data

A
**SYSTEMATIC
APPROACH**
to AOT

A **collaboration** between the mental health system and probate court that:

Identifies appropriate individuals

Safeguards due process

Provides comprehensive mental health care

Employs specific protocols in the event a person doesn't adhere

A **community response** to the revolving door!



74 % decline in homelessness



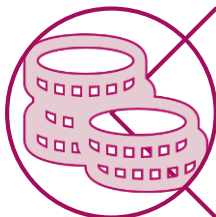
77% decrease in psychiatric hospitalization



87% decline in incarceration



55% fewer suicide attempts



62% cost savings

Does AOT work?

New York State AOT Evaluation

Who Benefits from AOT?

- ▶ **High-risk, high-need patients who don't recognize their own need for treatment.**
- ▶ **Systems of care that want to prioritize people with the greatest needs and highest risks.**

What exactly is **ordered** in AOT?



The court expects the patient to **adhere to treatment**



But treatment is **not forced**

NO FORCED
MEDICATION
IN THE
COMMUNITY



There is the **potential for re-hospitalization**

Necessary Treatment

- ✓ **Psychiatric Treatment**
- ✓ **Case Management**
- ✓ **Peer Support**
- ✓ **Outreach**



AOT is toothless, so what's the point?



- ▶ **It's not mental health court**
- ▶ **No jail or fines**
- ▶ **No contempt of court**
- ▶ **No forcibly administered meds**

There are **Consequences** of **Non-Adherence**

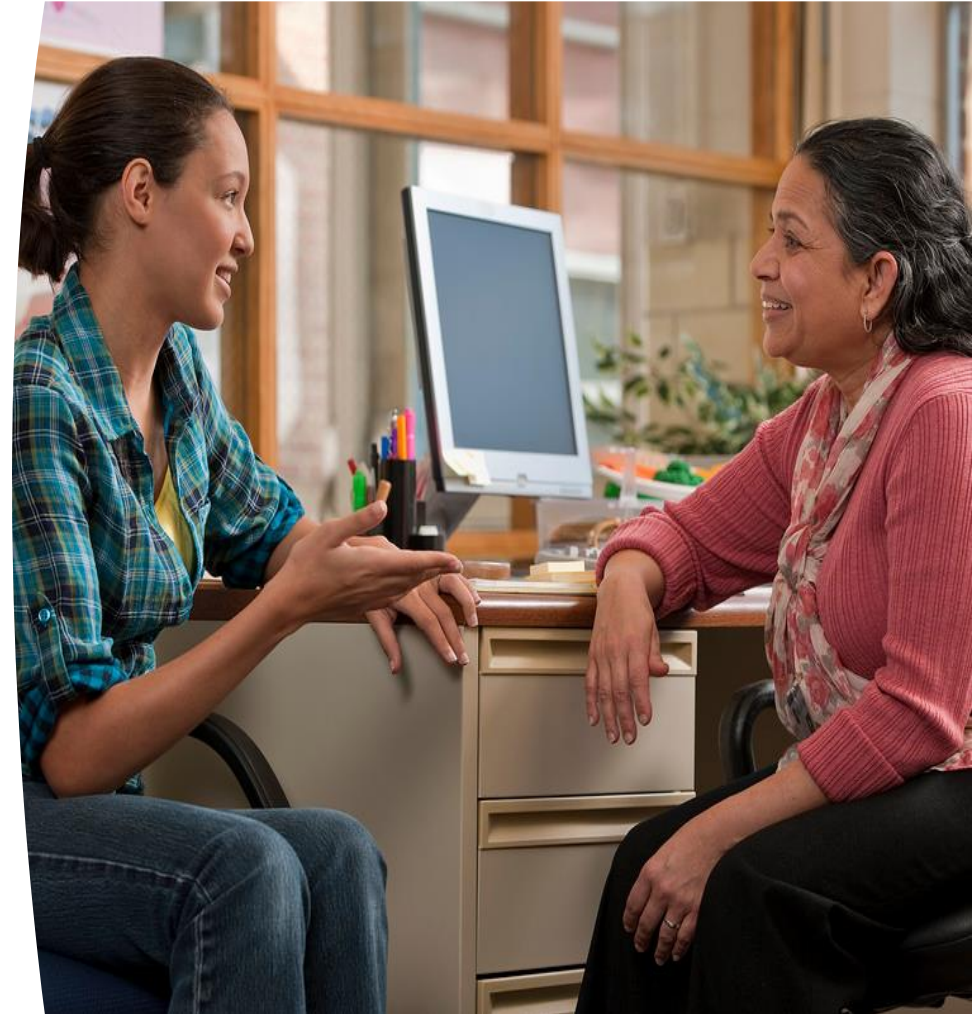
- ▶ Judge holds periodic check-ins
- ▶ Time in program is extended
- ▶ Pick-up order for evaluation is ordered
- ▶ If needed, rehospitalization



From Compliance to **Adherence**

- ▶ AOT is not a long-term solution if only strategy is medication compliance.
- ▶ Medication does not treat anosognosia.
- ▶ Treatment plan must focus on **engagement of the patient** in treatment.

It's all about the relationship!



Addressing Non-Adherence

Non-adherence alone does not permit court intervention

The treatment team must be assertive

**Outreach, outreach,
outreach**

**Revise the treatment plan to
engage the patient**

**Use motivational
interviewing strategies**

Only when a person is clinically deteriorating

Ex-parte order for psychiatric evaluation

Competency restoration crisis



Orders for competency evaluations and restoration far outstrip resources to provide them.



States have faced civil rights lawsuits and have received considerable fines due to not following required timelines.



Can use AOT to reduce need for competency services for a certain population



Stop the crisis!

- **Dismiss Upon Civil Commitment with AOT:**
 - Dismissing criminal charges prior to or in lieu of competency restoration, either with or without prejudice (dismissed forever or not forever).
 - Filing a petition in civil court for civil commitment with assisted outpatient treatment (AOT).
 - Upon stabilization (may require a short stay in the hospital), discharging to AOT.

Who is a good candidate for dismissal upon civil commitment with AOT?

Meets criteria for civil commitment

Is not a risk to public safety if treated

Is not a candidate for MHC

Is unlikely to be restored to competency

History of lack of adherence to treatment due to lack of insight

Can understand what is expected under the civil court order

IMPLEMENTING ASSISTED OUTPATIENT TREATMENT: ESSENTIAL ELEMENTS, BUILDING BLOCKS AND TIPS FOR MAXIMIZING RESULTS

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IMPLEMENTING AOT:

Essential Elements, Building Blocks and Tips for Maximizing Results

[Access White Paper Here!](#)

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