

## Care, not excuses

Thursday, February 21, 2008

Mayor Gavin Newsom claims to be a supporter of "Laura's Law," which was signed by Gov. Gray Davis five years ago as a way to compel outpatient treatment for seriously mentally ill people who pose a danger to themselves or others.

It would seem that Newsom would not have to walk far from City Hall to see evidence of untreated mental illness on the streets of his city.

Yet Newsom has never made use of Laura's Law. He does not argue that it is not necessary. Rather, he contends that resources would be spent more efficiently on people with mental illnesses who voluntarily accept treatment. Also, he claims that the revenue generated for mental health by Proposition 63, a 1 percent surtax on seven-figure incomes, cannot be used for involuntary treatment.

Enough of the excuses, Mr. Mayor.

The author of Proposition 63, Sen. Darrell Steinberg, D-Sacramento, said there is nothing in the measure passed by California voters in November 2004 that prohibits its use on Laura's Law cases.

"I'm very clear that it can be," said Steinberg, who was just tapped by Senate Democrats to succeed Don Perata as president pro tem. "The services are available to everyone who meets the definition of serious mental illness."

The state does, however, restrict the use of Proposition 63 funding for legal-related costs - one of Newsom's apprehensions about Laura's Law - because Steinberg was concerned there "would be no money left for services" if local governments could tap the fund for reimbursing law enforcement and court costs.

Other funding restrictions cited by the mayor's office relate to a regulation by the California Department of Mental Health, which oversees Proposition 63 funding. Those rules specify that local governments can use the money only for voluntary treatment. However, that does not necessarily preclude its use in a Laura's Law case, said Nancy Kincaid, a department spokeswoman. A patient can be brought into treatment involuntarily under Laura's Law, she explained, but once he or she agreed to continue accepting treatment, the local governments would be eligible to draw on Proposition 63 money for the services.

Also, this is just a regulation, which the department could change if it were getting pressure to do so - say, from the mayor of San Francisco. But it hasn't.

But members of the Legislature who are not so timid about wading into this controversy may soon strip away the "oh, but there's no money" excuse.

Sen. Leland Yee, D-San Francisco, plans to introduce legislation, perhaps as early as Friday, to explicitly

Yes  No

Yes  No

Yes  No



allow Proposition 63 funds to be used for involuntary treatment allowed under Laura's Law. Yee is a child psychologist who authored the Laura's Law extension last year. He argues, quite reasonably, that the law should be applied sparingly - but there are cases in which compulsory treatment can save lives.

Also, one of the very symptoms of certain serious mental illnesses is the inability of the afflicted to realize that he or she needs help. Too often, the person resorts to "self-medication" in the form of alcohol or drug abuse.

Newsom knows all this. There are few elected officials who have done more homework on issues of mental health and its relation to homelessness in particular.

However, the mayor's administration argues that Laura's Law is too cumbersome and expensive to implement. Here is their opportunity to seek help from Sacramento, by working with Yee and Steinberg. The Yee bill should provide him with resources and clear legal authority to act.

At that point, the excuses vanish. It then becomes a question of political will.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/02/21/ED69V4QJR.DTL>

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