

## Assisted outpatient treatment (AOT)

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### Program overview

Assisted Outpatient Treatment (AOT) is an involuntary process encompassed within Washington's Involuntary Treatment Act (ITA).

### Objectives

Through AOT, community-based behavioral health treatment is available under civil court commitment. The aim is to better motivate an individual who struggles with voluntary treatment adherence to engage fully with their treatment plan. Further, providers provide focused attention of treatment and work diligently to keep an individual engaged in effective treatment.

The AOT methodology embraces the idea that with earlier intervention, a strong impact can be made on the lives of individuals struggling with behavioral health conditions.

By connecting participants to the treatment they need earlier via court order, AOT is especially helpful to those facing the social and economic consequences of living with an untreated mental health or substance use disorder.

AOT may be ordered by the civil court, if legal criteria are met, as a form of less-restrictive, alternative treatment to involuntary inpatient treatment, or it may be ordered by the civil court as one type of less restrictive alternative treatment upon discharge from an involuntary inpatient commitment. An AOT order may be for up to 18 months.

A court may supervise an individual on an AOT, requiring appearance in court for periodic reviews. A court may modify the order after considering input from the agency or facility designated to provide or facilitate services.

The court may not remand the individual into inpatient treatment; however, individuals under an AOT order may be referred to a Designated Crisis Responder (DCR) for investigation and evaluation for possible revocation to inpatient treatment.

The DCR may file an AOT revocation petition and detain the individual for involuntary inpatient treatment for up to five days for the court to hold a hearing. At that hearing, if the court finds legal criteria have been met, the court may revoke the AOT order and commit the individual for up to 14 days of involuntary inpatient treatment.

### AOT legal criteria

An individual needs AOT if the court finds that legal criteria are met pursuant to a petition filed that indicates:

- The individual has a diagnosed behavioral health disorder
- Based on a clinical determination and in view of the individual's treatment history and current behavior, at least one of the following is true:
  - The individual is unlikely to survive safely in the community without supervision and the individual's condition is substantially deteriorating
  - The individual needs assisted outpatient treatment to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to themselves or to others
- The individual has a history of lack of compliance with treatment for his or her behavioral health disorder that has:
  - At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization, or the individual's receipt of services in a forensic or other mental health unit of a state correctional facility or local correctional facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the individual that occurred within the 36-month period
  - At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions

- including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the individual's incarceration in a state or local correctional facility; or
- Resulted in one or more violent acts, threats, or attempts to cause serious physical harm to themselves or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the individual that occurred during the 48-month period
- Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the individual's recovery and stability
- The individual will benefit from assisted outpatient treatment.

## AOT petition process

The following individuals may directly file a petition for less-restrictive alternative treatment on the basis that an individual needs assisted outpatient treatment:

- The director or the director's designee of a hospital where the individual is hospitalized
- The director of a behavioral health service provider providing behavioral health care or residential services to the individual or the director's designee
- The individual's treating mental health professional or substance use disorder professional or one who has evaluated the individual
- A designated crisis responder
- A release planner from a corrections facility
- An emergency room physician

## Terminology

**Grave disability** indicates that an individual's mental disorder or substance use disorder places them in danger of serious harm and is often accompanied by demonstrated failure to provide for their essential needs of health and safety.

Further, there may also be present a severe deterioration in routine functioning evidenced by increasing loss of volitional control over their actions; this individual is not currently receiving care that is essential for their health and safety.

**Likelihood of serious harm** means a substantial risk exists that physical harm will be self-inflicted, inflicted upon another, or inflicted upon the property of others. This includes threats or attempts to commit suicide or harm oneself, or behavior that causes harm or places another person of reasonable fear that they will be harmed, or behavior that caused substantial loss or damage to the property of others.

## Firearms rights

An individual loses their federal gun rights and is not allowed to possess or purchase firearms permanently if, due to a mental disorder, they are committed to an AOT order.

## Authority

Authority to exercise the above falls under RCW 71.05 for adults and RCW 71.34 for minors aged 13 to 17.

## Budget

Behavioral Health Administrative Services Organizations (BHASOs) and Managed Care Organizations (MCOs) have been funded to provide a base level of Assisted Outpatient Treatment for their Non-Medicaid and Medicaid clients.

As a result of Washington House Bill 1773's increased access, utilization, and processing of AOT programs, additional funding will be added to BHASO contracts for Assisted Outpatient treatment hearing costs, BHASO coordination, monitoring, and treatment.

Washington Health Care Authority anticipates combining base AOT funding and HB 1773's AOT funding for BHASOs and MCOs to better collaborate and enhance AOT programs in each region.

## For more information

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