



Introduction to the ethical considerations of AOT

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Assisted outpatient treatment (AOT)

- Assisted outpatient treatment (AOT), or “Kevin’s Law”, is a legal mechanism for providing outpatient treatment to individuals living with serious mental illness whose non-adherence to treatment places them at risk for negative outcomes.
- Many individuals living with serious mental illness do not adhere to outpatient treatment for a variety of reasons, increasing their risk for suicide and self-harm, violent behavior, substance misuse, insecure housing, and high utilization of services. These behaviors and vulnerabilities lead to high rates of inpatient psychiatric hospitalization and incarceration.
- AOT orders work by compelling the recipient to receive specific treatment that will prevent their condition from worsening and by committing the mental health system to provide treatment.

Focus of this Training

In this training, we are beginning the conversation around the ethical considerations related to AOT. This training is only intended to familiarize you with the concerns, not go into depth on the issues or provide an academic review these issues.

This training will cover the basics of:

- Risks and benefits associated with AOT.
- AOT vs. other court-ordered treatment approaches.
- Ways to safe-guard the rights of someone on an AOT.

Risks and benefits associated with AOT

Risks associated with AOT

- Coercion in treatment.
- Disempowerment.
- Civil liberty considerations.
- Melding of civil and criminal consequences.
- “Weaponization” of AOT.
- Courts, not clinicians, determining care.

Benefits associated with AOT

- Improved care and quality of life from the use of evidenced-based practices as part of an AOT order.
- Increased insight into illness leading to better decision making.
- Reduced contact with law enforcement (including arrests) leading to greater autonomy.
- Fewer psychiatric hospitalizations (including involuntary hospitalization).
- Courts serve as an additional layer of protection to safeguard rights and insure treatment provision.

AOT vs. other court-ordered treatment approaches

AOT vs. Problem-Solving Courts

AOT and Problem-Solving Courts both seek to help people with a mental illness avoid harmful consequences, but the approach is very different.

- AOT is designed to be handled in **civil court**, without punitive sanctions that occur in **criminal court** where Problem-Solving Courts operate.
- Problem-Solving Courts begin with people **waiving several Constitutional rights** in exchange for avoiding criminal sanctions **if they complete the treatment ordered**.
- In terms of coerciveness, **both approaches are problematic**, however, the threat of **criminal consequences** is arguably more coercive.
- **Criminal consequences**, when imposed, carry future consequences and **create additional barriers to treatment**.
- AOT is designed to **prevent** contact with the criminal justice system.

AOT vs. Guardianship

Guardianship is very common for people living with a serious mental illness, and is much **more restrictive**. AOT may offer some people a better alternative because:

- AOT has a **time limit**, unlike guardianship.
- Guardianship is much **more expansive** than AOT.
- AOT is **specific to treatment**, unlike guardianship (which may not even ensure proper treatment occurs).

Safeguarding the rights of people on an AOT order

Safeguarding rights

AOT is designed to provide additional oversight to mental health care, but to ensure proper function you need to:

- Understand how the court process works.
- Learn about the ways to get an AOT order terminated.
- Know what rights people have when receiving mental health treatment (Recipient Rights).

The AOT Toolkit can help you learn more about AOT in general.

Thank you

This training is presented as a part of the
Michigan Assisted Outpatient Treatment Toolkit
to learn more visit:

<http://behaviorhealthjustice.wayne.edu/aot>