



# Assisted Outpatient Treatment (AOT): a proactive tool for families and advocates

*Increasing treatment opportunities to  
help loved ones living with mental illness*

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12:00 pm – 1:00 pm

# 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.

# Presenters



*Facilitator:*

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# Overview of AOT

# Brief history of AOT

## Kevin's Law

Kevin Heisinger, a 24-year-old student at U of M, was killed in a Kalamazoo bus station by Brian Williams, an individual living with schizophrenia (paranoid type) in 2000.

- Prior to killing Kevin, Williams had repeated contact with law enforcement and numerous psychiatric hospitalizations due to his non-compliance with psychiatric treatment.
- In response, the Michigan Legislature passed assisted outpatient treatment legislation dubbed “Kevin's Law” which went into effect in 2005.
- The law was revised in 2017 & 2019, bringing the law up to date with best practices for AOT.

# Demystifying AOT (Civil vs. Criminal court)

An AOT order is designed to help individuals living with a serious mental illness, **who meet strict criteria outlined in Michigan's Mental Health Law**, get treatment necessary to keep them from harm.

AOT is a Civil Court process – Similar to involuntary hospitalization and guardianship, AOT orders go through the civil court. This means:

- No criminal charges.
- No criminal consequences (e.g., probation, jail).

Civil Court seeks to find remedies for disputes between people, and AOT functions in the same way.

# Demystifying AOT – The Role of the Court

The Civil Court is Responsible for:

- Determining if there is sufficient evidence for the need to order AOT.
- Guaranteeing the maximum amount of autonomy for the individual (inc. time limits).
- Ensuring that an appropriate treatment plan is in place.
- Protecting the rights of the individual on an order.
- Responding to concerns over treatment adherence AND treatment provision.

# Individual's rights

- To have an attorney to represent them at probate court hearings.
- To be present during hearings to extend your orders.
  - If the individual fails to attend the hearing after having an opportunity to meet with their attorney, they will be considered to have waived their right to attend, and the hearing may be held without them.
- To an independent evaluation.
- To demand a jury trial.
  - The individual should discuss their rights with their attorney.

# Navigating AOT

# Is AOT the right option?

AOT is available to adults who have a serious mental illness or developmental disability who:

- Do not understand they need treatment due to impaired judgement as a result of their illness (e.g., anosognosia).
- Are unlikely to voluntarily participate in, or adhere to, treatment to keep them from harm.
- Have a mental illness, not substance use disorder, not dementia (including Alzheimer's).
- Without treatment are likely to deteriorate, resulting in harm to themselves or others.

# Is AOT the right option?

AOT tends to work best for individuals who:

- Are younger vs. older (emerging evidence that AOT shortly after onset of serious mental illness has best overall effect).
- Are living with a psychotic disorder (e.g., schizophrenia, schizoaffective disorder).
- Experience anosognosia (lack of awareness of illness) as a feature of their mental illness.
- Do not have drug allergies to anti-psychotics available in long acting injectable (LAI) formularies.
- Have the life-skills to sustain housing and employment.

# AOT forms, timelines, and process

The general process to obtain an order for AOT is:

- An adult (over age 18) files a petition with the probate court (form PCM 201, current version date 5/21) requesting **AOT only** or a **combination of AOT and hospitalization**.
- The probate court reviews the petition and schedules a hearing within 28 days.
- For emergency situations where hospitalization is not requested, an “Order for transport and examination” can be issued so that law enforcement can take the individual into protective custody (24-hour period for evaluation).
- Psychiatrist evaluates patient, determines if AOT is appropriate.
- Report/testimony provided to court. Treatment plan filed with court.
- If the court feels there is compelling evidence an initial AOT order is issued (max 180 days).

# Roles and responsibilities

The evaluation process for AOT is...

- the responsibility of the CMH of the county in which the individual resides for Medicaid and uninsured individuals.
- court arranged for individuals with only private insurance (including Medicare).

# AOT versus guardianship

## **AOT**

- Likely, with treatment, to be able to make sound, independent decisions.
- Has history of autonomously functioning.
- Medications not contraindicated and have previously been effective.

## **Guardianship**

- Unlikely, even with treatment, to be able to make sound, independent decisions.
- Limited history of autonomously functioning.
- Has medication allergies, contraindications, or condition is treatment resistant.

# Experiencing AOT

# Testimonial from Chavonne



# AOT treatment options

# Services Available Under AOT

- Case management services.
- Medication.
  - Including injectables and/or med drop.
- Blood/urinalysis testing.
  - Determine compliance with or effectiveness of prescribed meds.
- Individual/group therapy.
- Educational and vocational training.
- Supervised living.
  - Can include AFC placement.
- Assertive community treatment.
- Subject to review every six months.
- Alcohol/substance use disorder treatment, or both.
- Alcohol/substance use disorder testing, or both.
- Any other services prescribed to treat the mental illness and to assist in living and functioning in the community OR to help prevent relapse or deterioration that may reasonable be predicted to result in harm or need for hospitalization.

# Special Considerations

## 1. Hospitalization only

- Individual is sent to inpatient only.

## 2. Combination of hospitalization and AOT.

- Usually 60 days inpatient, 180 days in community receiving CMH services.

## 3. AOT without hospitalization.

- CMH services only, no inpatient hospitalization.

## Duration of the orders:

- Initial order of hospitalization, 60 days.
- Initial order of AOT, 180 days.
- Combined hospitalization and AOT, 180 days (hospital, 60 days).
- Second order of involuntary mental health treatment, 90 days.
- Continuing order of involuntary mental health treatment, one year.

# How to support your loved one

# WHAT DO FAMILIES WANT OUT OF AOT?

## FOCUS GROUP

SOMETIMES, YOU HAVE TO **STEP AWAY** FOR YOURSELF

### HAVING FLUID EXPECTATIONS

EVERY HUMAN BEING DESERVES DIGNITY

## THERE IS HOPE FOR HAPPINESS

I NEED TO STAY a PARENT  
WE ARE DOING THE BEST THAT WE CAN.

IT IS NOT OUR FAULT

EVERY MOMENT MATTERS

## TIMELINESS

SOMETIMES, WE NEED TO MAKE DIFFICULT CHOICES TO PROTECT OUR FAMILIES.

TRAINING TO BE THE POINT OF CONTACT

COMMUNICATE EARLIER

## EDUCATION

## CULTURALLY APPROPRIATE RESOURCES & CARE

TIME WITH LOVED ONE

REUNIFICATION

## ACKNOWLEDGEMENT

SUPPORT FAMILIES IN BEING ABLE TO LEAVE WORK

FAMILIES LIKE OURS



### AN AUTHENTIC PARTNER IN CARE

BEING a GOOD NOTETAKER

AS A FAMILY MEMBER, I WANT TO BE a CHEERLEADER.

YOU CAN DO IT!

I AM AN EXPERT IN BEING a LOVED ONE.

NOT THEIR THERAPIST

NOT THEIR NURSE

I SHOULDN'T HAVE TO PROVIDE CARE.

I'M THE ONE WHO KNOWS  
• IF MEDICATIONS ARE WORKING  
• IF THERE are SIDE EFFECTS

## RESPECT MY FAMILY MEMBER!

## COLLABORATION

WE NEED MORE ACCOUNTABILITY  
REMOVE BLAME

SHATTERING SILENCE & SHAME

WE TAKE a LOT OF ABUSE.

WE HAVE THE DATA

FAMILIES KNOW MOST ABOUT SCHIZOPHRENIA

FAMILIES are HELPERS!

BROKEN RELATIONSHIPS/ FAMILY DISFUNCTION are SYMPTOMS OF THE MENTAL ILLNESS

## A RELIABLE ACCOUNT OF SYMPTOMS

GIVE ME A CHANCE TO LIVE the LIFE I DESERVE



# Tips for family

- Make yourself a priority! You can not take care of someone else if you haven't addressed your own matters.
- Support is not giving them more of what they already don't appreciate.
- Manipulation is not a mental illness, it is a learned behavior.
- Messenger matters as much as the message.
- Say what you mean and mean what you say.
- Work on self, you don't want to be the distraction.
- If the family member is not listening to you, STOP talking to them, START watching them. Their actions will tell you what is going on.
- Focus on staying emotionally disengaged.

# Process to renew or extend an AOT orders

- Two months before the AOT expires, the CMH provider will obtain the Clinical Certificate. Paperwork submission to Probate Court NO LATER than 14 days prior to expiration of the current order. (Hint: if you are scheduling for the second order, schedule for the continuing order two months out at the same time.)
- Probate Court will send a Notice of Hearing. The individual is assigned an attorney. The individual may choose to waive their hearing right and consent to the continued order, or they may choose to exercise their right to a hearing. The psychiatrist will need to be available to testify at the hearing.

# Review and renewal of AOT orders

- If multiple efforts are made to assist the individual in being assessed by the psychiatrist, then you may fill out and turn in PCM 245- *Notice of Inability to Secure Examination*.
- The Probate Judge will review and can order a transport order to have a peace officer take the individual to the appointment with the psychiatrist.
- If psychiatrist assesses the individual and determines they need to be hospitalized, the CMH provider will need to submit an amended PCM 201 petition to include hospitalization.



# What happens when an AOT order is violated?

- At times, individuals may need to be re-evaluated for admission into the hospital due to decompensation of their mental status.
- Common reasons for a violation of an AOT would include: Extended non-adherence with treatment, actively psychotic, delusional, or harmful deterioration of his/her mental health condition.
- The individual can be hospitalized for no more than 10 days but not longer than the duration of the order for AOT or not longer than 90 days, whichever is less.
- The court may direct peace officers to transport the individual to a designated facility or a preadmission screening unit and may specify the conditions under which the individual may return to the AOT before the order expires.

# What happens when an AOT order is violated?

- An individual hospitalized may object to the hospitalization.
- Violation requests should be initiated by *PCM 236: Demand for Hearing* and submit to the Probate Court within your jurisdiction by the clinical team.
- If the individual feels that the CMH is not providing all the services listed on the order, then they can also complete the *PCM 236: Demand for Hearing* and submit to the Probate Court within your jurisdiction.



# Discussion panel and Q&A

# Panelists



**Scott Smith, Ph.D.**  
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Liaison, Detroit Wayne Integrated  
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**Chavonne Taylor**  
*Individual with  
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**Kevin Fischer**  
*Executive Director, NAMI  
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**Hon. Milton Mack Jr. (ret)**  
*Chair, Mental Health  
Diversion Council  
SCAO Administrator Emeritus*

This training is presented as a part of the  
**Michigan Assisted Outpatient Treatment Toolkit.**

For more resources, visit:

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



*Thank you*