

AMENDED IN SENATE JUNE 17, 2014

AMENDED IN ASSEMBLY MAY 20, 2014

AMENDED IN ASSEMBLY MAY 5, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2679

**Introduced by Assembly Members Logue and Nestande
(Coauthors: Assembly Members Hagman and Wilk)
(Coauthor: Senator Vidak)**

February 21, 2014

An act to amend Sections ~~5613 and 5772~~ 5613, 5772, and 5847 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2679, as amended, Logue. County mental health services: baseline reports.

Existing

(1) *Existing* law, the Bronzan-McCorquodale Act, sets out a system of community mental health care services provided by counties and administered by the State Department of Health Care Services. The act requires the Director of Health Care Services to establish a Performance Outcome Committee, as specified, and requires the committee to develop measures of performance for evaluating client outcomes and cost effectiveness of mental health services provided by counties, as specified. The act requires counties to annually report data on these performance measures to local mental health advisory boards and to the director. The act requires the director to annually make this county performance data available to the Legislature, as specified.

This bill would additionally require the director to annually post the county performance data described above on the department's Internet Web site.

The act also establishes the California Mental Health Planning Council, which purpose is to fulfill certain mental health planning requirements mandated by federal law. The act also requires the council, among other things, to review program performance in delivering mental health services based on specified data and reports, and to report findings and recommendations on programs' performance annually to the Legislature, the department, and the local boards.

This bill would require the council to post these findings and recommendations annually on the council's Internet Web site.

(2) Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the continuously appropriated Mental Health Services Fund to fund various county mental health programs. Existing law establishes the Mental Health Services Oversight and Accountability Commission to oversee the administration of various parts of the Mental Health Services Act. The act provides that it may be amended by the Legislature by a $\frac{2}{3}$ vote of each house as long as the amendment is consistent with and furthers the intent of the act, and that the Legislature may also clarify procedures and terms of the act by majority vote.

Existing law authorizes the commission to obtain data and information from certain state and local entities to utilize in its oversight, review, training and technical assistance, accountability, and evaluation regarding projects and programs supported by the act, as specified. Existing law requires each county mental health program to prepare and submit a 3-year program and expenditure plan, and annual updates, to the commission that includes specified components, including, among other things, a program for services to adults and seniors, as specified.

This bill would require the 3-year plan to include information requested by the commission pursuant to the provisions described above to assist the commission in its oversight of the county's program for services to adults and seniors, as specified.

This bill would declare that it clarifies procedures and terms of the Mental Health Services Act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to establish a~~
2 ~~baseline report that shall inform public officials and stakeholders~~
3 ~~of each county’s accessible mental illness treatments and supports,~~
4 ~~identified unmet needs, and the status of system integration and~~
5 ~~collaboration. This baseline report shall inform future investments~~
6 ~~in spending and programs of county mental health plans for~~
7 ~~cost-efficient and effective integration of all mental health funding~~
8 ~~streams.~~

9 ~~SEC. 2.~~

10 ~~SECTION 1.~~ Section 5613 of the Welfare and Institutions Code
11 is amended to read:

12 5613. (a) Counties shall annually report data on performance
13 measures established pursuant to Section 5612 to the local mental
14 health advisory board and to the Director of Health Care Services.

15 (b) The Director of Health Care Services shall annually make
16 data on county performance available to the Legislature, and post
17 that data on the department’s Internet Web site, by no later than
18 March 15 of each year.

19 ~~SEC. 3.~~

20 ~~SEC. 2.~~ Section 5772 of the Welfare and Institutions Code is
21 amended to read:

22 5772. The California Mental Health Planning Council shall
23 have the powers and authority necessary to carry out the duties
24 imposed upon it by this chapter, including, but not limited to, the
25 following:

26 (a) To advocate for effective, quality mental health programs.

27 (b) To review, assess, and make recommendations regarding
28 all components of California’s mental health system, and to report
29 as necessary to the Legislature, the State Department of Health
30 Care Services, local boards, and local programs.

31 (c) To review program performance in delivering mental health
32 services by annually reviewing performance outcome data as
33 follows:

34 (1) To review and approve the performance outcome measures.

35 (2) To review the performance of mental health programs based
36 on performance outcome data and other reports from the State
37 Department of Health Care Services and other sources.

- 1 (3) To report findings and recommendations on the performance
2 of programs annually to the Legislature, the State Department of
3 Health Care Services, and the local boards, and to post those
4 findings and recommendations annually on its Internet Web site.
- 5 (4) To identify successful programs for recommendation and
6 for consideration of replication in other areas. As data and
7 technology are available, identify programs experiencing
8 difficulties.
- 9 (d) When appropriate, make a finding pursuant to Section 5655
10 that a county's performance is failing in a substantive manner. The
11 State Department of Health Care Services shall investigate and
12 review the finding, and report the action taken to the Legislature.
- 13 (e) To advise the Legislature, the State Department of Health
14 Care Services, and county boards on mental health issues and the
15 policies and priorities that this state should be pursuing in
16 developing its mental health system.
- 17 (f) To periodically review the state's data systems and
18 paperwork requirements to ensure that they are reasonable and in
19 compliance with state and federal law.
- 20 (g) To make recommendations to the State Department of Health
21 Care Services on the award of grants to county programs to reward
22 and stimulate innovation in providing mental health services.
- 23 (h) To conduct public hearings on the state mental health plan,
24 the Substance Abuse and Mental Health Services Administration
25 block grant, and other topics, as needed.
- 26 (i) In conjunction with other statewide and local mental health
27 organizations, assist in the coordination of training and information
28 to local mental health boards as needed to ensure that they can
29 effectively carry out their duties.
- 30 (j) To advise the Director of Health Care Services on the
31 development of the state mental health plan and the system of
32 priorities contained in that plan.
- 33 (k) To assess periodically the effect of realignment of mental
34 health services and any other important changes in the state's
35 mental health system, and to report its findings to the Legislature,
36 the State Department of Health Care Services, local programs, and
37 local boards, as appropriate.
- 38 (l) To suggest rules, regulations, and standards for the
39 administration of this division.

1 (m) When requested, to mediate disputes between counties and
2 the state arising under this part.

3 (n) To employ administrative, technical, and other personnel
4 necessary for the performance of its powers and duties, subject to
5 the approval of the Department of Finance.

6 (o) To accept any federal fund granted, by act of Congress or
7 by executive order, for purposes within the purview of the
8 California Mental Health Planning Council, subject to the approval
9 of the Department of Finance.

10 (p) To accept any gift, donation, bequest, or grants of funds
11 from private and public agencies for all or any of the purposes
12 within the purview of the California Mental Health Planning
13 Council, subject to the approval of the Department of Finance.

14 *SEC. 3. Section 5847 of the Welfare and Institutions Code is*
15 *amended to read:*

16 5847. Integrated Plans for Prevention, Innovation, and System
17 of Care Services.

18 (a) Each county mental health program shall prepare and submit
19 a three-year program and expenditure plan, and annual updates,
20 adopted by the county board of supervisors, to the Mental Health
21 Services Oversight and Accountability Commission within 30 days
22 after adoption.

23 (b) The three-year program and expenditure plan shall be based
24 on available unspent funds and estimated revenue allocations
25 provided by the state and in accordance with established
26 stakeholder engagement and planning requirements as required in
27 Section 5848. The three-year program and expenditure plan and
28 annual updates shall include all of the following:

29 (1) A program for prevention and early intervention in
30 accordance with Part 3.6 (commencing with Section 5840).

31 (2) A program for services to children in accordance with Part
32 4 (commencing with Section 5850), to include a program pursuant
33 to Chapter 4 (commencing with Section 18250) of Part 6 of
34 Division 9 or provide substantial evidence that it is not feasible to
35 establish a wraparound program in that county.

36 (3) A program for services to adults and seniors in accordance
37 with Part 3 (commencing with Section 5800).

38 (4) A program for innovations in accordance with Part 3.2
39 (commencing with Section 5830).

1 (5) A program for technological needs and capital facilities
2 needed to provide services pursuant to Part 3 (commencing with
3 Section 5800), Part 3.6 (commencing with Section 5840), and Part
4 4 (commencing with Section 5850). All plans for proposed facilities
5 with restrictive settings shall demonstrate that the needs of the
6 people to be served cannot be met in a less restrictive or more
7 integrated setting.

8 (6) Identification of shortages in personnel to provide services
9 pursuant to the above programs and the additional assistance
10 needed from the education and training programs established
11 pursuant to Part 3.1 (commencing with Section 5820).

12 (7) Establishment and maintenance of a prudent reserve to
13 ensure the county program will continue to be able to serve
14 children, adults, and seniors that it is currently serving pursuant
15 to Part 3 (commencing with Section 5800), the Adult and Older
16 Adult Mental Health System of Care Act, Part 3.6 (commencing
17 with Section 5840), Prevention and Early Intervention Programs,
18 and Part 4 (commencing with Section 5850), the Children's Mental
19 Health Services Act, during years in which revenues for the Mental
20 Health Services Fund are below recent averages adjusted by
21 changes in the state population and the California Consumer Price
22 Index.

23 (8) Certification by the county mental health director, which
24 ensures that the county has complied with all pertinent regulations,
25 laws, and statutes of the Mental Health Services Act, including
26 stakeholder participation and nonsupplantation requirements.

27 (9) Certification by the county mental health director and by
28 the county auditor-controller that the county has complied with
29 any fiscal accountability requirements as directed by the State
30 Department of Health Care Services, and that all expenditures are
31 consistent with the requirements of the Mental Health Services
32 Act.

33 (10) *Information requested by the commission pursuant to*
34 *paragraph (6) of subdivision (d) of Section 5845 to assist the*
35 *commission in its oversight of the program described in paragraph*
36 *(3) of this subdivision. This information may include, but is not*
37 *limited to, estimates of the number of additional people who meet*
38 *the criteria for services pursuant to Part 3 (commencing with*
39 *Section 5800) and are not receiving services that meet the criteria*

1 *for that part. These estimates shall be based on existing available*
2 *data and not include duplicative reporting requirements.*

3 (c) The programs established pursuant to paragraphs (2) and
4 (3) of subdivision (b) shall include services to address the needs
5 of transition age youth ages 16 to 25. In implementing this
6 subdivision, county mental health programs shall consider the
7 needs of transition age foster youth.

8 (d) Each year, the State Department of Health Care Services
9 shall inform the California Mental Health Directors Association
10 and the Mental Health Services Oversight and Accountability
11 Commission of the methodology used for revenue allocation to
12 the counties.

13 (e) Each county mental health program shall prepare expenditure
14 plans pursuant to Part 3 (commencing with Section 5800) for adults
15 and seniors, Part 3.2 (commencing with Section 5830) for
16 innovative programs, Part 3.6 (commencing with Section 5840)
17 for prevention and early intervention programs, and Part 4
18 (commencing with Section 5850) for services for children, and
19 updates to the plans developed pursuant to this section. Each
20 expenditure update shall indicate the number of children, adults,
21 and seniors to be served pursuant to Part 3 (commencing with
22 Section 5800), and Part 4 (commencing with Section 5850), and
23 the cost per person. The expenditure update shall include utilization
24 of unspent funds allocated in the previous year and the proposed
25 expenditure for the same purpose.

26 (f) A county mental health program shall include an allocation
27 of funds from a reserve established pursuant to paragraph (7) of
28 subdivision (b) for services pursuant to paragraphs (2) and (3) of
29 subdivision (b) in years in which the allocation of funds for services
30 pursuant to subdivision (e) are not adequate to continue to serve
31 the same number of individuals as the county had been serving in
32 the previous fiscal year.

33 *SEC. 4. The Legislature finds and declares that this act clarifies*
34 *procedures and terms of the Mental Health Services Act within*
35 *the meaning of Section 18 of the Mental Health Services Act.*