

ASSEMBLY BILL

No. 745

Introduced by Assembly Member Chau

February 25, 2015

An act to amend Section 5845 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 745, as introduced, Chau. Mental Health Services Oversight and Accountability Commission.

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 Mental Health Services Oversight and Accountability Commission, and requires the commission to consist of 16 voting members, including, among others, two persons with a severe mental illness and a mental health professional. The act may be amended by the Legislature by a $\frac{2}{3}$ vote of both houses and only so long as the amendment is consistent with and furthers the intent of the act. The Legislature may clarify procedures and terms of the act by majority vote.

The bill would require the Speaker of the Assembly to appoint an additional member to the commission who has experience providing supportive housing to persons with a severe mental illness. The bill would state the findings and declarations of the Legislature that this change is consistent with and furthers the intent of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 5845 of the Welfare and Institutions Code
2 is amended to read:

3 5845. (a) The Mental Health Services Oversight and
4 Accountability Commission is hereby established to oversee Part
5 3 (commencing with Section 5800), the Adult and Older Adult
6 Mental Health System of Care Act; Part 3.1 (commencing with
7 Section 5820), Human Resources, Education, and Training
8 Programs; Part 3.2 (commencing with Section 5830), Innovative
9 Programs; Part 3.6 (commencing with Section 5840), Prevention
10 and Early Intervention Programs; and Part 4 (commencing with
11 Section 5850), the Children’s Mental Health Services Act. The
12 commission shall replace the advisory committee established
13 pursuant to Section 5814. The commission shall consist of ~~16~~ 17
14 voting members as follows:

- 15 (1) The Attorney General or his or her designee.
- 16 (2) The Superintendent of Public Instruction or his or her
17 designee.
- 18 (3) The Chairperson of the Senate Health and Human Services
19 Committee or another member of the Senate selected by the
20 President pro Tempore of the Senate.
- 21 (4) The Chairperson of the Assembly Health Committee or
22 another member of the Assembly selected by the Speaker of the
23 Assembly.
- 24 (5) *A person who has experienced providing supportive housing*
25 *to persons with a severe mental illness, appointed by the Speaker*
26 *of the Assembly.*
- 27 ~~(5)~~
- 28 (6) Two persons with a severe mental illness, a family member
29 of an adult or senior with a severe mental illness, a family member
30 of a child who has or has had a severe mental illness, a physician
31 specializing in alcohol and drug treatment, a mental health
32 professional, a county sheriff, a superintendent of a school district,
33 a representative of a labor organization, a representative of an
34 employer with less than 500 employees and a representative of an
35 employer with more than 500 employees, and a representative of
36 a health care services plan or insurer, all appointed by the
37 Governor. In making appointments, the Governor shall seek

1 individuals who have had personal or family experience with
2 mental illness.

3 (b) Members shall serve without compensation, but shall be
4 reimbursed for all actual and necessary expenses incurred in the
5 performance of their duties.

6 (c) The term of each member shall be three years, to be
7 staggered so that approximately one-third of the appointments
8 expire in each year.

9 (d) In carrying out its duties and responsibilities, the commission
10 may do all of the following:

11 (1) Meet at least once each quarter at any time and location
12 convenient to the public as it may deem appropriate. All meetings
13 of the commission shall be open to the public.

14 (2) Within the limit of funds allocated for these purposes,
15 pursuant to the laws and regulations governing state civil service,
16 employ staff, including any clerical, legal, and technical assistance
17 as may appear necessary. The commission shall administer its
18 operations separate and apart from the State Department of Health
19 Care Services and the California Health and Human Services
20 Agency.

21 (3) Establish technical advisory committees such as a committee
22 of consumers and family members.

23 (4) Employ all other appropriate strategies necessary or
24 convenient to enable it to fully and adequately perform its duties
25 and exercise the powers expressly granted, notwithstanding any
26 authority expressly granted to any officer or employee of state
27 government.

28 (5) Enter into contracts.

29 (6) Obtain data and information from the State Department of
30 Health Care Services, the Office of Statewide Health Planning and
31 Development, or other state or local entities that receive Mental
32 Health Services Act funds, for the commission to utilize in its
33 oversight, review, training and technical assistance, accountability,
34 and evaluation capacity regarding projects and programs supported
35 with Mental Health Services Act funds.

36 (7) Participate in the joint state-county decisionmaking process,
37 as contained in Section 4061, for training, technical assistance,
38 and regulatory resources to meet the mission and goals of the
39 state's mental health system.

1 (8) Develop strategies to overcome stigma and discrimination,
2 and accomplish all other objectives of Part 3.2 (commencing with
3 Section 5830), 3.6 (commencing with Section 5840), and the other
4 provisions of the act establishing this commission.

5 (9) At any time, advise the Governor or the Legislature regarding
6 actions the state may take to improve care and services for people
7 with mental illness.

8 (10) If the commission identifies a critical issue related to the
9 performance of a county mental health program, it may refer the
10 issue to the State Department of Health Care Services pursuant to
11 Section 5655.

12 (11) Assist in providing technical assistance to accomplish the
13 purposes of the Mental Health Services Act, Part 3 (commencing
14 with Section 5800), and Part 4 (commencing with Section 5850)
15 in collaboration with the State Department of Health Care Services
16 and in consultation with the California Mental Health Directors
17 Association.

18 (12) Work in collaboration with the State Department of Health
19 Care Services and the California Mental Health Planning Council,
20 and in consultation with the California Mental Health Directors
21 Association, in designing a comprehensive joint plan for a
22 coordinated evaluation of client outcomes in the community-based
23 mental health system, including, but not limited to, parts listed in
24 subdivision (a). The California Health and Human Services Agency
25 shall lead this comprehensive joint plan effort.

26 SEC. 2. The Legislature finds and declares that this act is
27 consistent with and furthers the intent of the Mental Health Services
28 Act within the meaning of Section 18 of the Mental Health services
29 Act.