

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 861

Introduced by Assembly Member Maienschein

February 26, 2015

An act to ~~amend Section 5512 of~~ *add Section 14021.2 to*, the Welfare and Institutions Code, relating to mental health services.

LEGISLATIVE COUNSEL'S DIGEST

AB 861, as amended, Maienschein. ~~Mental health services: patients' rights.~~ *health: community-based services.*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law provides for a schedule of benefits under the Medi-Cal program and provides for specified services, including various mental health services. Existing federal law, the Protecting Access to Medicare Act of 2014, requires the federal Secretary of Health and Human Services to, among other things, award, no later than January 1, 2016, planning grants to states for the purpose of developing proposals to participate in time-limited demonstration programs to improve mental health services provided by certified community behavioral health clinics to Medi-Cal beneficiaries.

This bill would require the department to apply for that planning grant. This bill would require the department to work with counties and other stakeholders in developing its proposal. The bill would also require the proposal to include plans for counties to redirect a portion of the funds currently used to match federal funds to providing increased

housing opportunities for individuals with severe mental illnesses, as specified.

~~Existing law directs the State Department of State Hospitals and the State Department of Health Care Services to ensure that mental health laws, regulations, and policies on the rights of recipients of mental health services are observed and protected in state hospitals and in licensed health and community care facilities. Existing law requires departments to contract with a single nonprofit entity for protection and advocacy services for persons with mental disabilities and requires the prescribed training of county patients' rights advocates to be provided by that contractor.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

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

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

- 1 *SECTION 1. The Legislature finds and declares the following:*
- 2 *(a) In 2014 Congress enacted the Protecting Access to Medicare*
- 3 *Act of 2014.*
- 4 *(b) Under the Protecting Access to Medicare Act, eight states*
- 5 *will be selected to have their federal share of costs increased to*
- 6 *90 percent for two years for outpatient behavioral health care for*
- 7 *individuals with severe mental illnesses or serious emotional*
- 8 *disturbances.*
- 9 *(c) If successful, this federal opportunity would enable*
- 10 *California to serve the tens of thousands of individuals with those*
- 11 *conditions that it now lacks the funding to serve.*
- 12 *(d) A major challenge in serving that population is that many*
- 13 *are homeless and in need of housing assistance. Federal funding*
- 14 *cannot pay for that housing assistance.*
- 15 *(e) This federal funding would free up nearly \$2 billion in county*
- 16 *funds now being used to match federal funds. The money that is*
- 17 *currently being used to match federal funds will now be available*
- 18 *to be used to meet the housing needs of those individuals who are*
- 19 *not currently receiving the behavioral health care that they need.*
- 20 *SEC. 2. Section 14021.2 is added to the Welfare and Institutions*
- 21 *Code, to read:*

14021.2. (a) The department shall apply to the federal Secretary of Health and Human Services for the planning grant awarded pursuant to Section 223 of the federal Protecting Access to Medicare Act of 2014 for the purpose of developing proposals to participate in time-limited demonstration programs to improve mental health services furnished by certified community behavioral health clinics to Medi-Cal beneficiaries. The department shall also submit an application for the subsequent competitive grant competition to be selected as a participating state in the demonstration program.

(b) In planning to develop its proposal for the competitive grant, the department shall work with counties and other stakeholders to identify the unmet need for the covered services and to estimate the number of individuals who will need housing assistance.

(c) The competitive grant proposal shall include plans for counties to redirect a portion of the funds that are currently used to match federal funds but will not be needed for that purpose during the grant period to provide increased housing opportunities for individuals with severe mental illnesses.

~~SECTION 1. Section 5512 of the Welfare and Institutions Code is amended to read:~~

~~5512. Training of county patients' rights advocates shall be provided by the contractor specified in Section 5510 responsible for the provision of protection and advocacy services to persons with mental disabilities. Training shall be directed at ensuring that all county patients' rights advocates possess all of the following:~~

~~(a) Knowledge of the service system, financial entitlements, and service rights of persons receiving mental health services. This knowledge shall include, but need not be limited to, knowledge of available treatment and service resources in order to ensure timely access to treatment and services.~~

~~(b) Knowledge of patients' rights in institutional and community facilities.~~

~~(c) Knowledge of civil commitment statutes and procedures.~~

~~(d) Knowledge of state and federal laws and regulations affecting recipients of mental health services.~~

~~(e) Ability to work effectively and respectfully with service recipients and providers, public administrators, community groups, and the judicial system.~~

- 1 ~~(f) Skill in interviewing and counseling service recipients,~~
2 ~~including giving information and appropriate referrals.~~
3 ~~(g) Ability to investigate and assess complaints and screen for~~
4 ~~legal problems.~~
5 ~~(h) Knowledge of administrative and judicial due process~~
6 ~~proceedings in order to provide representation at administrative~~
7 ~~hearings and to assist in judicial hearings when necessary to carry~~
8 ~~out the intent of Section 5522 regarding cooperation between~~
9 ~~advocates and legal representatives.~~
10 ~~(i) Knowledge of, and commitment to, advocacy ethics and~~
11 ~~principles.~~
12 ~~(j) This section shall become operative on January 1, 1996.~~