

ASSEMBLY BILL

No. 2682

Introduced by Assembly Member Thomson

February 23, 1998

An act to amend Sections 5675, 5768, 5771, 5771.3, 5771.5, and 5772 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2682, as introduced, Thomson. Mental health services.

(1) Existing law provides for the provision of local mental health services for persons with mental disorders pursuant to standards developed by the State Department of Mental Health. Existing law, until January 1, 1999, authorizes Placer County and up to 6 other counties to establish a pilot project for up to 4 years to develop a shared mental health rehabilitation center for the provision of community care and treatment for persons with mental disorders who are placed in a state hospital or another health facility because no community placements are available to meet the needs of these patients. Existing law requires the department, in conjunction with the county mental health directors, to report to the Legislature within 3 years of the commencement of the operation of any pilot project.

This bill would extend the operation of those provisions until January 1, 2001, and would allow those counties to establish pilot projects for up to 6 years. The bill would require the department to report to the Legislature within 5, instead of 3 years, from the commencement of the operation of the

pilot project and would also require an interim report within 3 years, as specified.

(2) Existing law authorizes the State Department of Mental Health to permit new programs for mental health services to be developed and implemented without complying with licensure requirements for up to 4 years, subject to certain conditions. Existing law requires the department to evaluate and report to the Legislature on all pilot projects implemented within 3 years of the commencement of the operation of any pilot project.

This bill would extend the time during which a new program for mental health services may be developed and implemented without licensure to up to 6 years and would require the department to report to the Legislature within 5 years of the commencement of the operation of any pilot project.

(3) Existing law establishes, until January 1, 1999, the California Mental Health Planning Council, whose duties include advocating for effective, quality mental health programs, and reviewing, assessing, and making recommendations regarding all components of California's mental health system.

This bill would make those provisions operative only if federal funds are available for those purposes.

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. Section 5675 of the Welfare and
2 Institutions Code is amended to read:
3 5675. (a) Subject to Section 5768, Placer County and
4 up to six other counties may establish a pilot project for
5 up to ~~four~~ six years, to develop a shared mental health
6 rehabilitation center for the provision of community care
7 and treatment for persons with mental disorders who are
8 placed in a state hospital or another health facility
9 because no community placements are available to meet
10 the needs of these patients. Participation in this pilot
11 project by the counties shall be on a voluntary basis.



1 (b) (1) The department shall establish, by emergency
2 regulation, the standards for the pilot project, and
3 monitor the compliance of the counties with those
4 standards. Placer County, in consultation with the
5 department, shall be responsible for program
6 monitoring.

7 (2) *The department, in conjunction with the county*
8 *mental health directors, shall provide an interim report*
9 *to the Legislature within three years of the*
10 *commencement of operation of the facilities authorized*
11 *pursuant to this section regarding the progress and*
12 *cost-effectiveness demonstrated by the pilot project.* The
13 department, in conjunction with the county mental
14 health directors, shall report to the Legislature within
15 ~~three~~ *five* years of the commencement of operation of the
16 facilities authorized pursuant to this section regarding the
17 progress and cost-effectiveness demonstrated by the pilot
18 project. The report shall evaluate whether the pilot
19 project is effective based on clinical indicators, and is
20 successful in preventing future placement of its clients in
21 state hospitals or other long-term health facilities, and
22 shall report whether the cost of care in the pilot facilities
23 is less than the cost of care in state hospitals or in other
24 long-term health facility options. The evaluation report
25 shall include, but not be limited to, an evaluation of the
26 selected method and the effectiveness of the pilot project
27 staffing, and an analysis of the effectiveness of the pilot
28 project at meeting all of the following objectives:

29 (A) That the clients placed in the facilities show
30 improved global assessment scores, as measured by
31 preadmission and postadmission tests.

32 (B) That the clients placed in the facilities
33 demonstrate improved functional behavior as measured
34 by preadmission and postadmission tests.

35 (C) That the clients placed in the facilities have
36 reduced medication levels as determined by comparison
37 of preadmission and postadmission records.

38 (3) The pilot project shall be deemed successful if it
39 demonstrates both of the following:



1 (A) The costs of the program are no greater than
2 public expenditures for providing alternative services to
3 the clients served by the project.

4 (B) That the benefit to the clients, as described in this
5 subdivision, is improved by the project.

6 (c) The project shall be subject to existing regulations
7 of the State Department of Health Services applicable to
8 health facilities that the State Department of Mental
9 Health deems necessary for fire and life safety of persons
10 with mental illness.

11 (d) The department shall consider projects proposed
12 by other counties under Section 5768.

13 (e) (1) Clients served by the project shall have all of
14 the protections and rights guaranteed to mental health
15 patients pursuant to the following provisions of law:

16 (A) Part 1 (commencing with Section 5000) and this
17 part.

18 (B) Article 5 (commencing with Section 835), Article
19 5.5 (commencing with Section 850), and Article 6
20 (commencing with Section 860) of Chapter 4 of Title 9 of
21 the California Code of Regulations.

22 (2) Clients shall have access to the services of a county
23 patients' rights advocates as provided in Chapter 6.2
24 (commencing with Section 5500) of Part 1.

25 (f) This section shall remain in effect only until
26 January 1, ~~1999~~ 2001, and as of that date is repealed unless
27 a later enacted statute, which is enacted before January
28 1, ~~1999~~ 2001, deletes or extends that date.

29 SEC. 2. Section 5768 of the Welfare and Institutions
30 Code is amended to read:

31 5768. (a) Notwithstanding any other provision of
32 law, except as to requirements relating to fire and life
33 safety of persons with mental illness, the department, in
34 its discretion, may permit new programs to be developed
35 and implemented without complying with licensure
36 requirements established pursuant to existing state law.

37 (b) Any program developed and implemented
38 pursuant to subdivision (a) shall be reviewed at least once
39 each six months, as determined by the department.



1 (c) The department may establish appropriate
2 licensing requirements for—~~such~~ *these* new programs
3 upon a determination that ~~such~~ *the* programs should be
4 continued.

5 (d) Within ~~four~~ *six* years, any program shall require a
6 licensure category if it is to be continued. However, in the
7 event that any agency other than the department is
8 responsible for developing a licensure category and fails
9 to do so within the ~~four~~ *six* years, the program may
10 continue to be developed and implemented pursuant to
11 subdivisions (a) and (b) until such time that the licensure
12 category is established.

13 (e) (1) A nongovernmental entity proposing a
14 program shall submit a program application and plan to
15 the local mental health director that describes at least the
16 following components: clinical treatment programs,
17 activity programs, administrative policies and
18 procedures, admissions, discharge planning, health
19 records content, health records service, interdisciplinary
20 treatment teams, client empowerment, patient rights,
21 pharmaceutical services, program space requirements,
22 psychiatric and psychological services, rehabilitation
23 services, restraint and seclusion, space, supplies,
24 equipment, and staffing standards. If the local mental
25 health director determines that the application and plan
26 are consistent with local needs and satisfactorily address
27 the above components, he or she may approve the
28 application and plan and forward them to the
29 department.

30 (2) Upon the department's approval, the local mental
31 health director shall implement the program and shall be
32 responsible for regular program oversight and
33 monitoring. The department shall be notified in writing
34 of the outcome of each review of the program by the local
35 mental health director, or his or her designee, for
36 compliance with program requirements. The
37 department shall retain ultimate responsibility for
38 approving the method for review of each program, and
39 the authority for determining the appropriateness of the
40 local program's oversight and monitoring activities.



1 (f) Governmental entities proposing a program shall
 2 submit a program application and plan to the department
 3 that describes at least the components described in
 4 subdivision (e). Upon approval, the department shall be
 5 responsible for program oversight and monitoring.

6 (g) Implementation of a program shall be contingent
 7 upon the department's approval, and the department
 8 may reject applications or require ~~such~~ modifications as
 9 it deems necessary. The department shall respond to each
 10 proposal within 90 days of receipt.

11 (h) The State Department of Health Services shall
 12 allow an applicant approved by the department with a
 13 current health facility license to place its license in
 14 suspense for a period of ~~four~~ *six* years. At that time the
 15 department, in consultation with the State Department
 16 of Health Services shall determine the most appropriate
 17 licensure for the program, pursuant to subdivisions (c)
 18 and (d).

19 (i) The department shall submit an evaluation to the
 20 Legislature of all pilot projects authorized pursuant to
 21 this section within ~~three~~ *five* years of the commencement
 22 of operation of the pilot project, determining the
 23 effectiveness of that program or facility, or both, based on,
 24 but not limited to, changes in clinical indicators with
 25 respect to client functions.

26 SEC. 3. Section 5771 of the Welfare and Institutions
 27 Code is amended to read:

28 5771. (a) Pursuant to Public Law 102-321, there is the
 29 California Mental Health Planning Council. The purpose
 30 of the planning council shall be to fulfill those mental
 31 health planning requirements mandated by federal law.

32 (b) (1) The planning council shall have 40 members,
 33 to be comprised of members appointed from both the
 34 local and state levels in order to ensure a balance of state
 35 and local concerns relative to planning.

36 (2) As required by federal law, eight members of the
 37 planning council shall represent various state
 38 departments.

39 (3) Members of the planning council shall be
 40 appointed in such a manner as to ensure that at least



1 one-half are persons with mental disabilities, family
2 members of persons with mental disabilities, and
3 representatives of organizations advocating on behalf of
4 persons with mental disabilities. Persons with mental
5 disabilities and family members shall be represented in
6 equal numbers.

7 (4) The Director of Mental Health shall make
8 appointments from nominees from mental health
9 constituency organizations, which shall include
10 representatives of consumer-related advocacy
11 organizations, representatives of mental health
12 professional and provider organizations, and one
13 representative of the California Coalition on Mental
14 Health.

15 (c) Members should be balanced according to
16 demography, geography, gender, and ethnicity.
17 Members should include representatives with interest in
18 all target populations, including, but not limited to,
19 children and youth, adults, and older adults.

20 (d) The planning council shall annually elect a
21 chairperson and a vice chairperson.

22 (e) The term of each member shall be three years, to
23 be staggered so that approximately one-third of the
24 appointments expire in each year.

25 (f) This section shall ~~remain in effect only until~~
26 ~~January 1, 1999, and as of that date is repealed, unless a~~
27 ~~later enacted statute, that is enacted before January 1,~~
28 ~~1999, deletes or extends that date be operative only if~~
29 ~~federal funds are available for the purposes set forth in~~
30 ~~this section.~~

31 SEC. 4. Section 5771.3 of the Welfare and Institutions
32 Code is amended to read:

33 5771.3. (a) The California Mental Health Planning
34 Council may utilize staff of the State Department of
35 Mental Health, to the extent they are available, and the
36 staff of any other public or private agencies that have an
37 interest in the mental health of the public and that are
38 able and willing to provide those services.

39 (b) This section shall ~~remain in effect only until~~
40 ~~January 1, 1999, and as of that date is repealed, unless a~~



1 ~~later enacted statute, that is enacted before January 1,~~
2 ~~1999, deletes or extends that date be operative only if~~
3 ~~federal funds are available for the purposes set forth in~~
4 ~~this section.~~

5 SEC. 5. Section 5771.5 of the Welfare and Institutions
6 Code is amended to read:

7 5771.5. (a) (1) The chairperson of the California
8 Mental Health Planning Council, with the concurrence of
9 a majority of the members of the California Mental
10 Health Planning Council, shall appoint an executive
11 officer who shall have those powers delegated to him or
12 her by the council in accordance with this chapter.

13 (2) The executive officer shall be exempt from civil
14 service.

15 (b) Within the limit of funds allotted for these
16 purposes, the California Mental Health Planning Council
17 may appoint other staff it may require according to the
18 rules and procedures of the civil service system.

19 (c) This section shall ~~remain in effect only until~~
20 ~~January 1, 1999, and as of that date is repealed, unless a~~
21 ~~later enacted statute, that is enacted before January 1,~~
22 ~~1999, deletes or extends that date be operative only if~~
23 ~~federal funds are available for the purposes set forth in~~
24 ~~this section.~~

25 SEC. 6. Section 5772 of the Welfare and Institutions
26 Code is amended to read:

27 5772. The California Mental Health Planning Council
28 shall have the powers and authority necessary to carry out
29 the duties imposed upon it by this chapter, including, but
30 not limited to, the following:

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

33 (b) To review, assess, and make recommendations
34 regarding all components of California's mental health
35 system, and to report as necessary to the Legislature, the
36 State Department of Mental Health, local boards, and
37 local programs.

38 (c) To review program performance in delivering
39 mental health services by annually reviewing
40 performance outcome data as follows:



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

3 (2) To review the performance of mental health
4 programs based on performance outcome data and other
5 reports from the State Department of Mental Health and
6 other sources.

7 (3) To report findings and recommendations on
8 programs' performance annually to the Legislature, the
9 State Department of Mental Health, and the local boards.

10 (4) To identify successful programs for
11 recommendation and for consideration of replication in
12 other areas. As data and technology are available, identify
13 programs experiencing difficulties.

14 (d) When appropriate, make a finding pursuant to
15 Section 5655 that a county's performance is failing in a
16 substantive manner. The State Department of Mental
17 Health shall investigate and review the finding, and
18 report the action taken to the Legislature.

19 (e) To advise the Legislature, the State Department of
20 Mental Health, and county boards on mental health issues
21 and the policies and priorities that this state should be
22 pursuing in developing its mental health system.

23 (f) To periodically review the state's data systems and
24 paperwork requirements to ensure that they are
25 reasonable and in compliance with state and federal law.

26 (g) To make recommendations to the State
27 Department of Mental Health on the award of grants to
28 county programs to reward and stimulate innovation in
29 providing mental health services.

30 (h) To conduct public hearings on the state mental
31 health plan, the Substance Abuse and Mental Health
32 Services Administration block grant, and other topics, as
33 needed.

34 (i) To participate in the recruitment of candidates for
35 the position of Director of Mental Health and provide
36 advice on the final selection.

37 (j) In conjunction with other statewide and local
38 mental health organizations, assist in the coordination of
39 training and information to local mental health boards as



1 needed to ensure that they can effectively carry out their
2 duties.

3 (k) To advise the Director of Mental Health on the
4 development of the state mental health plan and the
5 system of priorities contained in that plan.

6 (l) To assess periodically the effect of realignment of
7 mental health services and any other important changes
8 in the state's mental health system, and to report its
9 findings to the Legislature, the State Department of
10 Mental Health, local programs, and local boards, as
11 appropriate.

12 (m) To suggest rules, regulations, and standards for
13 the administration of this division.

14 (n) When requested, to mediate disputes between
15 counties and the state arising under this part.

16 (o) To employ administrative, technical, and other
17 personnel necessary for the performance of its powers
18 and duties, subject to the approval of the Department of
19 Finance.

20 (p) To accept any federal fund granted, by act of
21 Congress or by executive order, for purposes within the
22 purview of the California Mental Health Planning
23 Council, subject to the approval of the Department of
24 Finance.

25 (q) To accept any gift, donation, bequest, or grants of
26 funds from private and public agencies for all or any of the
27 purposes within the purview of the California Mental
28 Health Planning Council, subject to the approval of the
29 Department of Finance.

30 (r) This section shall ~~remain in effect only until~~
31 ~~January 1, 1999, and as of that date is repealed, unless a~~
32 ~~later enacted statute, that is enacted before January 1,~~
33 ~~1999, deletes or extends that date~~ *be operative only if*
34 *federal funds are available for the purposes set forth in*
35 *this section.*

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