

AMENDED IN ASSEMBLY APRIL 13, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1969

Introduced by Assembly Member Steinberg
(Coauthor: Senator Perata)

February 18, 2000

An act to add ~~Section 4044~~ *Sections 4044.5 and 5908.5* to the Welfare and Institutions Code, relating to mental health, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1969, as amended, Steinberg. Mental health: housing.

Existing law requires the State Department of Mental Health, to the extent resources are available, to provide program development guidelines, evaluation models, and operational assistance on all aspects of services to mentally ill persons, including housing development.

Existing law authorizes, until January 1, 2001, counties to voluntarily participate in a pilot project for the operation of a shared mental health rehabilitation center to provide community care and treatment for persons with mental disorders who are placed in a state hospital or another health facility. Existing law requires the State Department of Mental Health to establish standards for the pilot project.

Existing law provides for the regulation of health facilities, including skilled nursing facilities, by the State Department of Health Services. Existing law requires that the regulations adopted by the department prescribe standards based on the

type of health facility and the needs of the persons served. In this regard, the regulations set forth the requirements for a skilled nursing facility to provide special treatment programs to serve certain mentally ill patients.

This bill would require the ~~department~~ *State Department of Mental Health*, in conjunction with ~~various other entities,~~ to ~~develop protocols to review, monitor, and report on~~ existing and potential skilled nursing facilities that have or could have special treatment programs. The bill would ~~prescribe various requirements of the department regarding developing a program for conducting local reviews concerning these facilities, developing a mechanism that allows public access, including Internet access, to information regarding the reviews and developing a mechanism that allows public access to information related to any citations issued to these facilities by the State Department of Health Services or the State Department of Social Services~~ *the State Department of Health Services (1) to establish a long-term care mental health working group to develop a specific plan for the development of certain long-term care facilities that are able to provide diagnosis, treatment, and care of persons with mental diseases and (2) to develop a state-level plan for a single evaluation and monitoring program under one regulating authority for the review of mental health rehabilitation centers and skilled nursing facilities with special treatment programs.*

The bill would require the long-term care mental health working group to provide a report with recommendations to the Legislature on or before January 1, 2002.

The bill would require the State Department of Mental Health to forward copies of any citations issued to a skilled nursing facility that has a special treatment program or to a mental health rehabilitation center, to the county in which the skilled nursing facility or mental health rehabilitation center is located.

Existing law sets forth procedures under which mental health services in skilled nursing facilities designated as institutions for mental disease are organized and financed.

This bill would require counties that contract for services from institutions for mental disease to establish a designated



clinical quality support program, to the extent funds are made available from the state.

The bill would appropriate an unspecified sum from the General Fund to the State Department of Mental Health to be allocated to county departments of mental health based on the total number of clients placed in institutions for mental disease by each county.

Vote: ~~majority~~ ^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: 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 as
2 follows:

3 (a) There is a nexus between homelessness among the
4 seriously mentally ill and adequate and affordable
5 housing.

6 (b) Twenty-four-hour housing for the seriously
7 mentally ill is a continuum that includes the following
8 alternatives:

9 (1) State hospital.

10 (2) Institute for mental disease.

11 (3) Mental health rehabilitation centers.

12 (4) Board and care.

13 (5) Supported living.

14 (6) Independent living.

15 (c) The monitoring of living situations for the seriously
16 mentally ill needs to include more than monitoring
17 “bricks and mortar,” square footage requirements, or
18 local zoning regulations.

19 ~~SEC. 2. Section 4044 is added to the Welfare and~~
20 ~~Institutions Code, to read:~~

21 ~~4044. (a)~~

22 *SEC. 2. It is the intent of the Legislature to enact*
23 *legislation that requires that skilled nursing facilities*
24 *licensed by the State Department of Health Services that*
25 *are designated as institutions for mental disease receive*
26 *stringent monitoring and enhanced penalties for*
27 *licensing violations.*



1 SEC. 3. Section 4044.5 is added to the Welfare and
2 Institutions Code, to read:

3 4044.5. (a) (1) ~~The State Department of Mental~~
4 ~~Health, in conjunction with county mental health~~
5 ~~programs, county mental health boards and commissions,~~
6 ~~the National Alliance for the Mentally Ill California, and~~
7 ~~the California Client Network shall develop protocols to~~
8 ~~review, monitor, and report on existing and potential~~
9 ~~skilled nursing facilities that have or could have a special~~
10 ~~treatment program, as described in Sections 72443 to~~
11 ~~72475, inclusive, of Title 22 of the California Code of~~
12 ~~Regulations, to serve patients who have a chronic~~
13 ~~psychiatric impairment and whose adaptive functioning~~
14 ~~is moderately impaired.~~

15 (b) ~~The department shall establish a program for~~
16 ~~conducting local reviews of a skilled nursing facility~~
17 ~~described in subdivision (a) using the protocols~~
18 ~~developed pursuant to subdivision (a). The reviews~~
19 ~~conducted locally shall be conducted by a group that shall~~
20 ~~include, but not be limited to, representatives from all of~~
21 ~~the entities specified in subdivision (a).~~ *conjunction with*
22 *the State Department of Health Services, shall establish*
23 *a long-term care mental health working group that*
24 *includes representatives of county mental health*
25 *programs, consumers, family members of residents with*
26 *mental disease who are in long-term care facilities, and*
27 *long-term care providers.*

28 (2) *The long-term care mental health working group*
29 *shall develop a specific plan for the development of*
30 *long-term care facilities that are able to provide diagnosis,*
31 *treatment, and care of persons with mental diseases, that*
32 *are community-based, and serve no more than 16 persons.*
33 *The plan shall include consideration of whether a new*
34 *licensure category is needed and the specific elements of*
35 *monitoring and evaluation that would be included in the*
36 *development of a new licensure category. The long-term*
37 *care mental health working group shall provide a report*
38 *with recommendations to the Legislature on or before*
39 *January 1, 2002.*



1 (b) *The State Department of Mental Health, in*
2 *conjunction with the State Department of Health*
3 *Services, shall develop a state-level plan for a single*
4 *evaluation and monitoring program under one*
5 *regulating authority for the review of mental health*
6 *rehabilitation centers and skilled nursing facilities with*
7 *special treatment programs. The plan shall include the*
8 *cost of, and a timeline for, implementing the plan. The*
9 *plan shall be developed in consultation with the*
10 *long-term care mental health working group established*
11 *pursuant to subdivision (a). The plan shall review*
12 *resident safety and quality programming, ensure that*
13 *long-term care facilities engaged primarily in the*
14 *diagnosis, treatment, and care of persons with mental*
15 *diseases are available and appropriately evaluated, and*
16 *ensure that strong linkages are built to local communities*
17 *and other treatment resources for residents and their*
18 *families. The plan shall be submitted to the Legislature on*
19 *or before March 1, 2001.*

20 (c) The department shall develop a mechanism that
21 allows public access, including Internet access, to
22 information regarding the results of the reviews
23 conducted pursuant to subdivision (b) and related to any
24 citations issued to a skilled nursing facility described in
25 subdivision (a) by the State Department of Health
26 Services or the State Department of Social Services.

27 (d) ~~(f)~~ ~~The State Department of Health Services and~~
28 ~~the State Department of Social Services shall forward~~
29 ~~copies of citations issued to a skilled nursing facility~~
30 ~~described in subdivision (a) that has a special treatment~~
31 ~~program certified by the State Department of Health~~
32 ~~Services to the State Department of Mental Health and~~
33 ~~the county in which the facility or program is located.~~

34 ~~(e) The reviews and licensing information collected~~
35 ~~pursuant to this section shall be used to develop an~~
36 ~~assessment of the statewide housing options available to~~
37 ~~persons with mental illness.~~

38 (e) *The State Department of Mental Health shall*
39 *forward copies of citations issued to a skilled nursing*
40 *facility that has a special treatment program, as described*



1 in Section 51335 and Sections 72443 to 72475, inclusive, of
2 Title 22 of the California Code of Regulations, or issued to
3 a mental health rehabilitation center, as described in
4 Section 5675 of this code and Section 781.00 and following
5 of Title 9 of the California Code of Regulations, to the
6 county in which the skilled nursing facility or mental
7 health rehabilitation center is located.

8 SEC. 4. Section 5908.5 is added to the Welfare and
9 Institutions Code, to read:

10 5908.5. To the extent designated funds are available
11 from the state to do so, counties that contract for services
12 from any institutions for mental disease shall establish a
13 clinical quality support program that includes the
14 following elements:

15 (a) Regular visits by county clinical staff to assess the
16 clinical needs of residents of institutions for mental
17 disease placed by the county.

18 (b) Chart reviews by county clinical staff to ensure
19 that the clinical needs of the residents are met, including,
20 but not limited to, ancillary health care needs.

21 (c) Regular meetings with client case managers to
22 assess service needs and outcomes.

23 (d) Clinical case consultation as needed by staff or
24 consulting clinical staff of the institution for mental
25 disease.

26 SEC. 5. There is hereby appropriated from the
27 General Fund the sum of _____ dollars (\$_____)
28 from the General Fund to the State Department of
29 Mental Health to be allocated to county departments of
30 mental health based on the total number of clients placed
31 in institutions for mental disease by each county.

