

AMENDED IN SENATE AUGUST 25, 2000
AMENDED IN SENATE AUGUST 8, 2000
AMENDED IN ASSEMBLY MAY 26, 2000
AMENDED IN ASSEMBLY MAY 17, 2000
AMENDED IN ASSEMBLY MAY 3, 2000
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 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 State Department of Mental Health, in conjunction with 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 streamlined and consolidated evaluation and monitoring program 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 by the State Department of Health Services 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 \$3,000,000 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: $\frac{2}{3}$ majority. Appropriation: yes no. 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 4044.5 is added to the Welfare and
20 Institutions Code, to read:

21 4044.5. (a) (1) The State Department of Mental
22 Health, in conjunction with the State Department of
23 Health Services, shall establish a long-term care mental
24 health working group that includes representatives of
25 county mental health programs, consumers, family
26 members of residents with mental disease who are in
27 long-term care facilities, and 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,



1 treatment, and care of persons with mental diseases, that
2 are community-based, and serve no more than 16 persons.
3 The plan shall include consideration of whether a new
4 licensure category is needed and the specific elements of
5 monitoring and evaluation that would be included in the
6 development of a new licensure category. The long-term
7 care mental health working group shall provide a report
8 with recommendations to the Legislature on or before
9 January 1, 2002.

10 (b) The State Department of Mental Health, in
11 conjunction with the State Department of Health
12 Services, shall develop a state-level plan for a streamlined
13 and consolidated evaluation and monitoring program for
14 the review of mental health rehabilitation centers and
15 skilled nursing facilities with special treatment programs.
16 The plan shall provide for consolidated reviews, reports,
17 and penalties for these facilities. The plan shall include
18 the cost of, and a timeline for, implementing the plan.
19 The plan shall be developed in consultation with the
20 long-term care mental health working group established
21 pursuant to subdivision (a). The plan shall review
22 resident safety and quality programming, ensure that
23 long-term care facilities engaged primarily in the
24 diagnosis, treatment, and care of persons with mental
25 diseases are available and appropriately evaluated, and
26 ensure that strong linkages are built to local communities
27 and other treatment resources for residents and their
28 families. The plan shall be submitted to the Legislature on
29 or before March 1, 2001.

30 (c) (1) On or before July 1, 2001, the department shall
31 develop a mechanism that allows public access, including
32 Internet access, to updated and accurate information to
33 the general public and consumers regarding long-term
34 care facilities licensed or certified by the department,
35 including mental health rehabilitation centers and
36 programs certified for a special treatment program. The
37 information shall include all of the following:

38 (A) Facility profiles, with data on services provided,
39 and ownership information. The profile for each facility



1 shall include, but shall not be limited to, all of the
2 following:

3 (i) The name, address, and telephone number of the
4 facility. However, the address of any facility that serves six
5 or fewer persons shall not be posted on the Internet.

6 (ii) The number of units or beds in the facility.

7 (iii) Whether the facility accepts Medicare or
8 Medi-Cal patients.

9 (iv) Whether the facility is a for-profit or not-for-profit
10 provider.

11 (B) Information regarding substantiated complaints,
12 which shall include the plan of correction, if any, and the
13 date of the plan and the status of the plan.

14 (C) Information regarding deficiencies found by the
15 state in regular or complaint-generated reviews, the
16 status of the deficiency, including the facility's plan of
17 correction, and information as to whether an appeal has
18 been filed.

19 (D) Any appeal resolution pertaining to a citation or
20 complaint, which shall be updated on the file in a timely
21 manner.

22 (2) The information shall include links for consumer
23 access to website information maintained by the State
24 Department of Health Services and to ombudsman
25 services maintained by the state for long-term care
26 services.

27 (3) The State Department of Mental Health shall, in
28 consultation with the State Department of Health
29 Services, ensure that the public access mechanism,
30 including Internet access, specified in this subdivision:

31 (A) Does not duplicate unnecessarily data contained
32 in any public access data system, including Internet
33 access, established by the State Department of Health
34 Services that contains licensing and certification data on
35 health facilities.

36 (B) Provides links between any public access
37 mechanisms established by the two departments and
38 posted on the Internet when those links would reduce
39 confusion for members of the public using the
40 mechanisms.



1 (d) The State Department of Health Services shall
2 forward copies of citations issued to a skilled nursing
3 facility that has a special treatment program certified by
4 the State Department of Mental Health to the State
5 Department of Mental Health.

6 (e) The State Department of Mental Health shall
7 forward copies of citations issued by the State
8 Department of Health Services to a skilled nursing
9 facility that has a special treatment program, as described
10 in Section 51335 and Sections 72443 to 72475, inclusive, of
11 Title 22 of the California Code of Regulations, to the
12 county in which the skilled nursing facility is located. The
13 department shall forward copies of deficiencies found by
14 the state in reviews of special treatment programs for
15 these facilities, the status of the deficiency, and the
16 facility’s plan of correction, to the county in which the
17 facility is located. The department shall forward copies of
18 deficiencies found by the state, issued to a mental health
19 rehabilitation center, as described in Section 5675 of this
20 code and Section 781.00 and following of Title 9 of the
21 California Code of Regulations, to the county in which the
22 mental health rehabilitation center is located.

23 SEC. 3. Section 5908.5 is added to the Welfare and
24 Institutions Code, to read:

25 5908.5. To the extent designated funds are available
26 from the state to do so, counties that contract for services
27 from any institutions for mental disease shall establish a
28 clinical quality support program that includes the
29 following elements:

30 (a) Regular visits by county clinical staff to assess the
31 clinical needs of residents of institutions for mental
32 disease placed by the county.

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

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

38 (d) Clinical case consultation as needed by staff or
39 consulting clinical staff of the institution for mental
40 disease.



1 ~~SEC. 4. There is hereby appropriated from the~~
2 ~~General Fund the sum of three million dollars~~
3 ~~(\$3,000,000) to the State Department of Mental Health to~~
4 ~~be allocated to county departments of mental health~~
5 ~~based on the total number of clients placed in institutions~~
6 ~~for mental disease by each county.~~

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