

AMENDED IN SENATE JULY 23, 2009

AMENDED IN SENATE JULY 6, 2009

AMENDED IN SENATE JUNE 18, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1571

**Introduced by Committee on Veterans Affairs (Salas (Chair), Lieu,
V. Manuel Perez, Saldana, and Yamada)**

March 16, 2009

An act to amend Sections 5847 and 5848 of, *and to add Section 5849 to*, the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1571, as amended, Committee on Veterans Affairs. Mental health services: county plans: veterans.

Existing law, the Bronzan-McCorquodale Act, contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at November 2, 2004, statewide general election, establishes the Mental Health Services Fund to fund various county mental health programs. The act may be amended by the Legislature only 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.

Existing law requires each county mental health program to prepare and submit a 3-year plan to be updated at least annually and approved

by the department after review and comment by the Mental Health Services Oversight and Accountability Commission. Existing law requires the plan to be developed with specified local stakeholders.

This bill would require the local stakeholder planning group to include veterans and representatives from veterans organizations and would require the department, as part of its review of the county plan, to inform the Department of Veterans Affairs of county plans that have outreach programs specifically for veterans or that provide services specifically for veterans.

This bill would also require the State Department of Mental Health to use funds from the Mental Health Services Act state administration funds to contract out for a study of existing county Mental Health Services Act programs to assess services provided to veterans and the number of veterans currently being served.

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 5847 of the Welfare and Institutions
- 2 Code, is amended to read:
- 3 5847. Integrated Plans for Prevention, Innovation, and System
- 4 of Care Services.
- 5 (a) It is the intent of the Legislature to streamline the approval
- 6 processes of the State Department of Mental Health and the Mental
- 7 Health Services Oversight and Accountability Commission of
- 8 programs developed pursuant to Sections 5891 and 5892.
- 9 (b) Each county mental health program shall prepare and submit
- 10 a three-year plan which shall be updated at least annually and
- 11 approved by the department after review and comment by the
- 12 Mental Health Services Oversight and Accountability Commission.
- 13 The plan and update shall include all of the following:
- 14 (1) A program for prevention and early intervention in
- 15 accordance with Part 3.6 (commencing with Section 5840).
- 16 (2) A program for services to children in accordance with Part
- 17 4 (commencing with Section 5850), to include a program pursuant
- 18 to Chapter 4 (commencing with Section 18250) of Part 6 of
- 19 Division 9 or provide substantial evidence that it is not feasible to
- 20 establish a wraparound program in that county.

1 (3) A program for services to adults and seniors in accordance
2 with Part 3 (commencing with Section 5800).

3 (4) A program for innovations in accordance with Part 3.2
4 (commencing with Section 5830).

5 (5) A program for technological needs and capital facilities
6 needed to provide services pursuant to Part 3 (commencing with
7 Section 5800), Part 3.6 (commencing with Section 5840), and Part
8 4 (commencing with Section 5850). All plans for proposed facilities
9 with restrictive settings shall demonstrate that the needs of the
10 people to be served cannot be met in a less restrictive or more
11 integrated setting.

12 (6) Identification of shortages in personnel to provide services
13 pursuant to the above programs and the additional assistance
14 needed from the education and training programs established
15 pursuant to Part 3.1 (commencing with Section 5820).

16 (7) Establishment and maintenance of a prudent reserve to
17 ensure the county program will continue to be able to serve
18 children, adults, and seniors that it is currently serving pursuant
19 to Part 3 (commencing with Section 5800), the Adult and Older
20 Adult Mental Health System of Care Act, Part 3.6 (commencing
21 with Section 5840), Prevention and Early Intervention Programs,
22 and Part 4 (commencing with Section 5850), the Children's Mental
23 Health Services Act, during years in which revenues for the Mental
24 Health Services Fund are below recent averages adjusted by
25 changes in the state population and the California Consumer Price
26 Index.

27 (c) The State Department of Mental Health shall not issue
28 guidelines for the Integrated Plans for Prevention, Innovation, and
29 System of Care Services before January 1, 2012.

30 (d) The department's review and approval of the programs
31 specified in paragraphs (1) and (4) of subdivision (b) shall be
32 limited to ensuring the consistency of these programs with the
33 other portions of the plan and providing review and comment to
34 the Mental Health Services Oversight and Accountability
35 Commission. As part of its review, the department shall inform
36 the Department of Veterans Affairs of county plans that have
37 outreach programs specifically for veterans or that provide services
38 specifically for veterans.

1 (e) The programs established pursuant to paragraphs (2) and
2 (3) of subdivision (b) shall include services to address the needs
3 of transition age youth ages 16 to 25.

4 (f) Each year the State Department of Mental Health, in
5 consultation with the California Mental Health Directors
6 Association, the Mental Health Services Oversight and
7 Accountability Commission, and the Mental Health Planning
8 Council, shall inform counties of the amounts of funds available
9 for services to children pursuant to Part 4 (commencing with
10 Section 5850), and to adults and seniors pursuant to Part 3
11 (commencing with Section 5800). Each county mental health
12 program shall prepare expenditure plans pursuant to Part 3
13 (commencing with Section 5800), and Part 4 (commencing with
14 Section 5850), and updates to the plans developed pursuant to this
15 section. Each expenditure update shall indicate the number of
16 children, adults, and seniors to be served pursuant to Part 3
17 (commencing with Section 5800), and Part 4 (commencing with
18 Section 5850), and the cost per person. The expenditure update
19 shall include utilization of unspent funds allocated in the previous
20 year and the proposed expenditure for the same purpose.

21 (g) (1) The department shall evaluate each proposed expenditure
22 plan and determine the extent to which each county has the capacity
23 to serve the proposed number of children, adults, and seniors
24 pursuant to Part 3 (commencing with Section 5800), and Part 4
25 (commencing with Section 5850); the extent to which there is an
26 unmet need to serve that number of children, adults, and seniors;
27 and determine the amount of available funds; and provide each
28 county with an allocation from the funds available. The department
29 shall give greater weight for a county or a population which has
30 been significantly underserved for several years. The department
31 shall approve, deny, or request information on a county expenditure
32 plan or update no later than 60 days upon receipt.

33 (2) The department shall only evaluate those programs in a
34 county expenditure plan or update that have not previously been
35 approved or that have previously identified problems which have
36 been conveyed to the county. The department shall distribute the
37 funds for renewal of the previously approved programs contained
38 in the county expenditure plan or update prior to approval of the
39 county expenditure plan or update.

1 (h) A county mental health program shall include an allocation
2 of funds from a reserve established pursuant to paragraph (6) of
3 subdivision (b) for services pursuant to paragraphs (2) and (3) of
4 subdivision (b) in years in which the allocation of funds for services
5 pursuant to subdivision (e) are not adequate to continue to serve
6 the same number of individuals as the county had been serving in
7 the previous fiscal year.

8 SEC. 2. Section 5848 of the Welfare and Institutions Code is
9 amended to read:

10 5848. (a) Each plan and update shall be developed with local
11 stakeholders, including adults and seniors with severe mental
12 illness, families of children, adults, and seniors with severe mental
13 illness, providers of services, law enforcement agencies, education,
14 social services agencies, veterans, representatives from veterans
15 organizations, and other important interests. A draft plan and
16 update shall be prepared and circulated for review and comment
17 for at least 30 days to representatives of stakeholder interests and
18 any interested party who has requested a copy of the draft plans.

19 (b) The mental health board established pursuant to Section
20 5604 shall conduct a public hearing on the draft plan and annual
21 updates at the close of the 30-day comment period required by
22 subdivision (a). Each adopted plan and update shall include any
23 substantive written recommendations for revisions. The adopted
24 plan or update shall summarize and analyze the recommended
25 revisions. The mental health board shall review the adopted plan
26 or update and make recommendations to the county mental health
27 department for revisions.

28 (c) The department shall establish requirements for the content
29 of the plans. The plans shall include reports on the achievement
30 of performance outcomes for services pursuant to Part 3
31 (commencing with Section 5800), Part 3.6 (commencing with
32 Section 5840), and Part 4 (commencing with Section 5850) funded
33 by the Mental Health Services Fund and established by the
34 department.

35 (d) Mental health services provided pursuant to Part 3
36 (commencing with Section 5800), and Part 4 (commencing with
37 Section 5850), shall be included in the review of program
38 performance by the California Mental Health Planning Council
39 required by paragraph (2) of subdivision (c) of Section 5772 and
40 in the local mental health board's review and comment on the

1 performance outcome data required by paragraph (7) of subdivision
2 (a) of Section 5604.2.

3 *SEC. 3. Section 5849 is added to the Welfare and Institutions*
4 *Code, to read:*

5 *5849. The department shall use the Mental Health Services*
6 *Act state administrative funds to contract out for a study of existing*
7 *county Mental Health Services Act programs to assess services*
8 *provided to veterans and the number of veterans currently being*
9 *served.*