

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 ~~an unspecified sum~~ \$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: $\frac{2}{3}$. Appropriation: 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 4044.5 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,
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

1 licensure category is needed and the specific elements of
2 monitoring and evaluation that would be included in the
3 development of a new licensure category. The long-term
4 care mental health working group shall provide a report
5 with recommendations to the Legislature on or before
6 January 1, 2002.

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

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

35 (A) Facility profiles, with data on services provided,
36 and ownership information. The profile for each facility
37 shall include, but shall not be limited to, all of the
38 following:



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

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

5 (iii) Whether the facility accepts Medicare or
6 Medi-Cal patients.

7 (iv) Whether the facility is a for-profit or not-for-profit
8 provider.

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

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

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

20 ~~(d)~~

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

26 ~~(e)~~

27 (d) The State Department of Health Services shall
28 forward copies of citations issued to a skilled nursing
29 facility that has a special treatment program certified by
30 the State Department of Mental Health to the State
31 Department of Mental Health.

32 ~~(f)~~

33 (e) The State Department of Mental Health shall
34 forward copies of citations issued by the State
35 Department of Health Services to a skilled nursing
36 facility that has a special treatment program, as described
37 in Section 51335 and Sections 72443 to 72475, inclusive, of
38 Title 22 of the California Code of Regulations, to the
39 county in which the skilled nursing facility is located. The
40 department shall forward copies of deficiencies found by

1 the state in reviews of special treatment programs for
2 these facilities, the status of the deficiency, and the
3 facility's plan of correction, to the county in which the
4 facility is located. The department shall forward copies of
5 deficiencies found by the state, issued to a mental health
6 rehabilitation center, as described in Section 5675 of this
7 code and Section 781.00 and following of Title 9 of the
8 California Code of Regulations, to the county in which the
9 mental health rehabilitation center is located.

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

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

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

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

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

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

28 SEC. 4. There is hereby appropriated from the
29 ~~General Fund the sum of _____ dollars (\$_____)~~
30 ~~from the General Fund~~ *General Fund the sum of three*
31 *million dollars (\$3,000,000)* to the State Department of
32 Mental Health to be allocated to county departments of
33 mental health based on the total number of clients placed
34 in institutions for mental disease by each county.