

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: $\frac{2}{3}$. 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 (2) The information shall include links for consumer
21 access to website information maintained by the State
22 Department of Health Services and to ombudsman
23 services maintained by the state for long-term care
24 services.

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

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

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

39 (d) The State Department of Health Services shall
40 forward copies of citations issued to a skilled nursing

1 facility that has a special treatment program certified by
2 the State Department of Mental Health to the State
3 Department of Mental Health.

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

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

23 5908.5. To the extent designated funds are available
24 from the state to do so, counties that contract for services
25 from any institutions for mental disease shall establish a
26 clinical quality support program that includes the
27 following elements:

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

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

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

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

39 SEC. 4. There is hereby appropriated from the
40 General Fund the sum of three million dollars

1 (\$3,000,000) to the State Department of Mental Health to
2 be allocated to county departments of mental health
3 based on the total number of clients placed in institutions
4 for mental disease by each county.

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