

ASSEMBLY BILL

No. 1404

Introduced by Assembly Member Ting

February 19, 2021

An act to amend Section 5845 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1404, as introduced, Ting. Mental Health Services Oversight and Accountability Commission.

Existing law, the Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the continuously appropriated Mental Health Services Fund to fund various county mental health programs. The MHSA established the Mental Health Services Oversight and Accountability Commission, which is funded with moneys from the Mental Health Services Fund and which is required to review county plans relating to mental health services and to create specified reports on the use of MHSA moneys. Existing law authorizes the commission to refer critical issues it identifies related to the performance of a county mental health program to the State Department of Health Care Services.

This bill would, instead, require the commission to refer identified critical issues related to the performance of a county mental health program to the department.

Vote: majority. 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 5845 of the Welfare and Institutions Code
2 is amended to read:

3 5845. (a) The Mental Health Services Oversight and
4 Accountability Commission is hereby established to oversee Part
5 3 (commencing with Section 5800), the Adult and Older Adult
6 Mental Health System of Care Act; Part 3.1 (commencing with
7 Section 5820), Human Resources, Education, and Training
8 Programs; Part 3.2 (commencing with Section 5830), Innovative
9 Programs; Part 3.6 (commencing with Section 5840), Prevention
10 and Early Intervention Programs; and Part 4 (commencing with
11 Section 5850), the Children’s Mental Health Services Act. The
12 commission shall replace the advisory committee established
13 pursuant to Section 5814. The commission shall consist of 16
14 voting members as follows:

15 (1) The Attorney General or the Attorney General’s designee.
16 (2) The Superintendent of Public Instruction or the
17 Superintendent’s designee.
18 (3) The Chairperson of the Senate Committee on Health, the
19 Chairperson of the Senate Committee on Human Services, or
20 another member of the Senate selected by the President pro
21 Tempore of the Senate.
22 (4) The Chairperson of the Assembly Committee on Health or
23 another member of the Assembly selected by the Speaker of the
24 Assembly.
25 (5) Two persons with a severe mental illness, a family member
26 of an adult or senior with a severe mental illness, a family member
27 of a child who has or has had a severe mental illness, a physician
28 specializing in alcohol and drug treatment, a mental health
29 professional, a county sheriff, a superintendent of a school district,
30 a representative of a labor organization, a representative of an
31 employer with less than 500 employees, a representative of an
32 employer with more than 500 employees, and a representative of
33 a health care service plan or insurer, all appointed by the Governor.
34 In making appointments, the Governor shall seek individuals who
35 have had personal or family experience with mental illness. At
36 least one person appointed pursuant to this paragraph shall have
37 a background in auditing.

1 (b) Members shall serve without compensation, but shall be
2 reimbursed for all actual and necessary expenses incurred in the
3 performance of their duties.

4 (c) The term of each member shall be three years, to be
5 staggered so that approximately one-third of the appointments
6 expire in each year.

7 (d) In carrying out its duties and responsibilities, the commission
8 may do all of the following:

9 (1) Meet at least once each quarter at any time and location
10 convenient to the public as it may deem appropriate. All meetings
11 of the commission shall be open to the public.

12 (2) Within the limit of funds allocated for these purposes,
13 pursuant to the laws and regulations governing state civil service,
14 employ staff, including any clerical, legal, and technical assistance
15 necessary. The commission shall administer its operations separate
16 and apart from the State Department of Health Care Services and
17 the California Health and Human Services Agency.

18 (3) Establish technical advisory committees, such as a committee
19 of consumers and family members.

20 (4) Employ all other appropriate strategies necessary or
21 convenient to enable it to fully and adequately perform its duties
22 and exercise the powers expressly granted, notwithstanding any
23 authority expressly granted to an officer or employee of state
24 government.

25 (5) Enter into contracts.

26 (6) Obtain data and information from the State Department of
27 Health Care Services, the Office of Statewide Health Planning and
28 Development, or other state or local entities that receive Mental
29 Health Services Act funds, for the commission to utilize in its
30 oversight, review, training and technical assistance, accountability,
31 and evaluation capacity regarding projects and programs supported
32 with Mental Health Services Act funds.

33 (7) Participate in the joint state-county decisionmaking process,
34 as contained in Section 4061, for training, technical assistance,
35 and regulatory resources to meet the mission and goals of the
36 state's mental health system.

37 (8) Develop strategies to overcome stigma and discrimination,
38 and accomplish all other objectives of Part 3.2 (commencing with
39 Section 5830), Part 3.6 (commencing with Section 5840), and the
40 other provisions of the Mental Health Services Act.

1 (9) At any time, advise the Governor or the Legislature regarding
2 actions the state may take to improve care and services for people
3 with mental illness.

4 (10) If the commission identifies a critical issue related to the
5 performance of a county mental health program, it ~~may~~ shall refer
6 the issue to the State Department of Health Care Services pursuant
7 to Section 5655.

8 (11) Assist in providing technical assistance to accomplish the
9 purposes of the Mental Health Services Act, Part 3 (commencing
10 with Section 5800), and Part 4 (commencing with Section 5850)
11 in collaboration with the State Department of Health Care Services
12 and in consultation with the County Behavioral Health Directors
13 Association of California.

14 (12) Work in collaboration with the State Department of Health
15 Care Services and the California Behavioral Health Planning
16 Council, and in consultation with the County Behavioral Health
17 Directors Association of California, in designing a comprehensive
18 joint plan for a coordinated evaluation of client outcomes in the
19 community-based mental health system, including, but not limited
20 to, parts listed in subdivision (a). The California Health and Human
21 Services Agency shall lead this comprehensive joint plan effort.

22 (13) Establish a framework and voluntary standard for mental
23 health in the workplace that serves to reduce mental health stigma,
24 increase public, employee, and employer awareness of the recovery
25 goals of the Mental Health Services Act, and provide guidance to
26 California's employer community to put in place strategies and
27 programs, as determined by the commission, to support the mental
28 health and wellness of employees. The commission shall consult
29 with the Labor and Workforce Development Agency or its designee
30 to develop the standard.