

AMENDED IN ASSEMBLY MARCH 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 573

Introduced by Assembly Member Carrillo

February 11, 2021

An act to add Chapter 1.2 (commencing with Section 5625) to Part 2 of Division 5 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 573, as amended, Carrillo. Youth Mental Health Boards.

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 (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. ~~As part of the MHSA, existing law~~ *The MHSA also establishes the Mental Health Oversight and Accountability Commission and* requires counties to engage in specified planning activities, including creating and updating a 3-year program and expenditure plan through a stakeholder process.

This bill would establish the California Youth Mental Health Board (state board) within the California Health and Human Services Agency to advise the Governor and Legislature on the challenges facing youth with mental health needs and determine opportunities for improvement. The state board would be comprised of 15 members who are between

15 and 23 years of age, appointed as specified, at least half of whom are youth mental health consumers who are receiving, or have received, mental health services, or siblings or immediate family members of mental health consumers. The bill would specify the powers and duties of the state board, including reviewing program performance in the delivery of mental health and substance use disorder services for youth.

This bill would require each community mental health service to have a local youth mental health board (board), appointed as specified, consisting of members between 15 and 23 years of age, at least half of whom are, to the extent possible, mental health consumers who are receiving, or have received, mental health services, or siblings or close family members of mental health consumers and half of whom are, to the extent possible, enrolled in schools in the county. The bill would require the board, among other duties, to advise the county mental health programs, school districts, and other entities on issues relating to youth mental health and to review and advise on the procedures used to ensure youth involvement at all stages of the mental health planning process for the county's 3-year program and expenditure plan. *The bill would require the board to be involved in the program and expenditure plan planning process.* The bill would require the county to provide a budget for the board, as specified. By increasing the duties of local governments, this bill would impose a state-mandated local program.

The bill would require the Mental Health Services Oversight and Accountability Commission, on or before December 30, 2024, and once every 5 years thereafter, to assess the extent to which the local youth boards have been established and to make recommendations on ways to strengthen the youth voice to support appropriate behavioral health services.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Mental health needs are the most common and disabling
4 medical conditions affecting children.

5 (b) Mental health needs in youth have increased in recent years
6 nationally and appear to be rising as a consequence of the current
7 COVID-related crisis.

8 (c) Based on national and state prevalence rates, between
9 620,000 and 1,240,000 of California's 6.2 million students enrolled
10 in K-12 schools are estimated to have a mental health condition.

11 (d) Half of all lifetime mental health needs emerge before 14
12 years of age, and three-quarters before 24 years of age.

13 (e) Almost one in five youth report having seriously considered
14 suicide in the past year.

15 (f) Suicide is the second leading cause of death for youth.

16 (g) Many children suffer without help. Approximately half to
17 three-quarters do not receive mental health treatment or services.
18 For children living in low-income households with limited English
19 proficiency, unmet mental health needs are even greater.

20 (h) Other student groups, such as LGBTQ students and Muslim
21 students experience high rates of bullying, harassment, and
22 victimization. Muslim students are twice as likely as their peers
23 to report they are bullied. LGBTQ students are twice as likely as
24 average to report depression symptomology and are three times
25 more likely to report suicidal ideation.

26 (i) Nationally, 22 percent of Latino youth have depressive
27 symptoms, a rate higher than any minority group besides Native
28 American youth. The United States Office of Minority Health has
29 found that Latina adolescents have the highest rates of suicidal
30 ideation and suicide attempt, and, while lower than Latinas, Latino
31 adolescent males have higher rates of suicidal ideation and suicide
32 attempt than their white peers.

33 (j) Students in foster care, African American students and Native
34 American students are more likely to be suspended or expelled
35 than other groups of students. African American, Native American,
36 and Pacific Islander students are more than twice as likely as their
37 peers to be chronically absent.

1 (k) Youth involvement in mental health programming leads to
2 better quality services that are responsive to the needs of youth.

3 (l) To date, only one out of every seven California counties has
4 established children or youth behavioral health advisory
5 committees. This represents an unrealized opportunity to engage
6 youth in the community planning process for mental health services
7 for youth.

8 (m) Providing youth with opportunities to make meaningful
9 contributions to their schools and communities through
10 participation and leadership in various settings contributes to
11 positive youth development and is likely to support improved
12 youth engagement with appropriate behavioral health services.

13 SEC. 2. Chapter 1.2 (commencing with Section 5625) is added
14 to Part 2 of Division 5 of the Welfare and Institutions Code, to
15 read:

16
17 CHAPTER 1.2. YOUTH MENTAL HEALTH BOARDS
18

19 5625. (a) There is established within the California Health and
20 Human Services Agency, or one of its member departments as
21 determined by the Secretary of California Health and Human
22 Services, the California Youth Mental Health Board (state board).

23 (b) The state board shall advise the Governor and Legislature
24 on the challenges facing youth with mental health needs and
25 determine opportunities for improvement.

26 (c) The state board shall have 15 members who are between 15
27 and 23 years of age and who are representative, to the extent
28 possible, of California’s population, based on race, ethnicity,
29 gender identity, sexual orientation, and geographic distribution.

30 (d) (1) Two members of the state board shall be appointed by
31 the Speaker of the Assembly, 2 members shall be appointed by
32 the Senate President Pro Tempore, and 11 members shall be
33 appointed by the Governor.

34 (2) In making appointments, the Governor shall ensure that at
35 least half of the members are youth mental health consumers who
36 are receiving, or have received, mental health services, or siblings
37 or immediate family members of mental health consumers. Youth
38 mental health consumers include persons who are diagnosed with
39 serious emotional disturbances, serious mental illnesses, or
40 substance use disorders.

1 (e) Members of the state board shall serve two-year terms and
2 be appointed so that an equal number of appointments, to the extent
3 possible, expire in each year.

4 (f) Members of the state board shall appoint a chairperson and
5 chair-elect.

6 (g) The state board shall be supported by staff of the California
7 Health and Human Services Agency, or its member departments,
8 as determined by the secretary.

9 (h) The state board shall have the powers and authority necessary
10 to carry out the duties imposed upon it by this section, including,
11 but not limited to, all of the following:

12 (1) To advocate for effective, quality mental health and
13 substance use disorder programs for youth.

14 (2) To review, assess, and make recommendations regarding
15 all components of California's mental health and substance use
16 disorder systems that serve youth and to report, as necessary, to
17 the Governor and Legislature, the Superintendent of Public
18 Instruction, state departments, local boards, and local programs.

19 (3) To review program performance in the delivery of mental
20 health and substance use disorder services for youth.

21 (4) To recommend strategies and reforms to improve all of the
22 following:

23 (A) Access to care.

24 (B) The quality of care.

25 (C) Outcomes achieved for youth.

26 (D) Programs and services, including, but not limited to,
27 prevention and early intervention, treatment, crisis support, suicide
28 prevention, and other programs and services, as determined by the
29 state board.

30 (5) To conduct public hearings, perform site visits, convene
31 meetings, form working groups, advisory committees, and
32 subcommittees, and engage in other strategies necessary and
33 convenient to support the purpose of this section.

34 (6) To seek and obtain information held by state and local
35 agencies to support the goals of the state board.

36 (7) To employ administrative, technical, and other personnel
37 necessary for the performance of its powers and duties, pursuant
38 to the state civil service requirements and subject to the approval
39 of the Department of Finance.

1 (8) To accept any federal funds granted, by act of Congress or
2 executive order, for purposes within the purview of the state board,
3 subject to the approval of the Department of Finance.

4 (9) To accept any gift, donation, bequest, or grant of funds from
5 private and public agencies for any of the purposes within the
6 purview of the state board, subject to the approval of the
7 Department of Finance.

8 (10) To employ all other appropriate strategies necessary or
9 convenient to enable it to fully and adequately perform its duties
10 and exercise the powers expressly granted in this section.

11 5626. (a) (1) Each community mental health service shall
12 have a local youth mental health board (board) consisting of eight
13 or more members, as determined by the governing body, and
14 appointed by the governing body, except that boards in counties
15 with a population of fewer than 80,000 may have a minimum of
16 five members.

17 (2) (A) The board shall serve in an advisory role to the ~~county~~
18 ~~board of supervisors,~~ *governing body*, the governing bodies of
19 school districts within the county, the county office of education,
20 and other public entities and officials within the county, as
21 determined by the board.

22 (B) Board membership shall include county residents between
23 15 and 23 years of age and should reflect the diversity of the
24 population in the county, including race, ethnicity, sexual
25 orientation and gender identity, to the extent possible.

26 (C) To the extent possible, half or more of the board membership
27 shall be mental health consumers who are receiving, or have
28 received, mental health services, or siblings or close family
29 members of mental health consumers, as determined by the
30 governing board.

31 (D) To the extent possible, half or more of the board members
32 shall be enrolled in school in the county.

33 (3) In counties with a population of fewer than 80,000, at least
34 two members shall be consumers who are receiving, or who have
35 received, mental health services.

36 (b) The board, at its discretion, may meet concurrently with and
37 advise the mental health board established pursuant to Section
38 5604 on matters pertaining to meeting the mental health needs of
39 youth.

1 (c) The board is established to inform decisions by the ~~county~~
2 ~~board of supervisors, governing body,~~ school districts, the county
3 office of education, and other governmental and nongovernmental
4 bodies involved with the community mental health service, as
5 determined by the board.

6 (d) The board shall review and evaluate the local public mental
7 health system, pursuant to Section 5604.2, and advise the county
8 and school district governing bodies on mental health services
9 related to youth that are delivered by the local mental health agency
10 or local behavioral health agency, school districts, or others, as
11 applicable.

12 (e) The term of each member of the board shall be for no less
13 than two years and no more than three years. The governing body
14 shall equitably stagger appointments so that an equal number of
15 appointments, to the extent possible, expire in each year.

16 (f) If two or more local agencies jointly establish a community
17 mental health service pursuant to Article 1 (commencing with
18 Section 6500) of Chapter 5 of Division 7 of Title 1 of the
19 Government Code, the board for the community mental health
20 service shall consist of an additional five members for each
21 additional agency, with equal representation from each local agency
22 to the extent possible.

23 (g) A member of the board or the member's spouse, parent, or
24 sibling shall not be a full-time or part-time employee of a county
25 mental health service, an employee of the State Department of
26 Health Care Services, or an employee or a member of the governing
27 body of a mental health contract agency doing business in the local
28 jurisdiction.

29 (h) Members of the board shall abstain from voting on any issue
30 in which the member has a financial interest, as defined in Section
31 87103 of the Government Code.

32 (i) The board may be established as an advisory board or a
33 commission, depending on the preference of the county.

34 5627. A local youth mental health advisory board shall be
35 subject to the provisions of Chapter 9 (commencing with Section
36 54950) of Part 1 of Division 2 of Title 5 of the Government Code,
37 relating to meetings of local agencies.

38 5628. (a) The local youth mental health board may do all of
39 the following:

1 (1) Review and evaluate the community’s youth mental health
2 needs, services, and related challenges and opportunities, as
3 determined by the board.

4 (2) Review county agreements affecting youth entered into
5 pursuant to Section 5650. The board may make recommendations
6 to the governing body regarding concerns identified within these
7 agreements.

8 (3) Advise the governing body and the local mental health
9 director as to any aspect of the local mental health program relating
10 to youth. The board may request assistance from the local patients’
11 rights advocates, local agencies, the grand jury, and others when
12 reviewing and advising on mental health evaluations or services
13 provided in facilities with limited access.

14 (4) Review and advise on the procedures used to ensure youth
15 involvement at all stages of the mental health planning process for
16 the county’s three-year program and expenditure plan, as required
17 by Section 5848.

18 (5) Submit an annual report to the county governing body,
19 school districts, and other local governing bodies, where relevant,
20 on the needs and performance of the county’s mental health system
21 as it relates to the needs of youth, with recommendations for
22 improvement as needed.

23 (6) Review and comment on the county’s performance outcome
24 data as it relates to youth and communicate its findings to the
25 California Behavioral Health Planning Council and the California
26 Mental Health Services Oversight and Accountability Commission.

27 (b) This section does not limit the ability of the governing body
28 to transfer additional duties or authority to a local youth mental
29 health board.

30 *5628.5. The Mental Health Services Oversight and*
31 *Accountability Commission shall, on or before December 30, 2024,*
32 *and once every five years thereafter, assess the extent to which the*
33 *local youth boards have been established consistent with the intent*
34 *of this enactment and shall make recommendations on ways to*
35 *strengthen the youth voice to support appropriate behavioral health*
36 *services.*

37 5629. (a) ~~The board of supervisors~~ *governing body* shall assign
38 staff to support the local youth mental health board and pay, from
39 any available funds, the actual and necessary expenses of the
40 members of the local youth mental health board incurred incident

1 to the performance of their official duties and functions. The
2 expenses may include travel, lodging, childcare, and meals for the
3 members of a youth mental health board while on official business
4 as approved by the director of the local mental health program.

5 (b) *The local youth mental health board shall be included in*
6 *the planning process specified in Section 5848.*

7 ~~(b)~~

8 (c) The governing body shall provide a budget for the local
9 youth mental health board that is sufficient to facilitate the purpose,
10 duties, and responsibilities of the youth mental health board. ~~To~~
11 ~~the extent that funds are available for this purpose, the~~ *The*
12 governing body may use planning and administrative revenues
13 identified in subdivision (c) of Section ~~5892. 5892~~ *or other county*
14 *funds for this purpose.*

15 5630. The local youth mental health board shall develop bylaws
16 to be approved by the governing body that do all of the following:

17 (a) Establish the specific number of members on the youth
18 mental health board, consistent with subdivision (a) of Section
19 5626.

20 (b) Ensure that the composition of the local youth mental health
21 board represents and reflects the diversity and demographics of
22 the county as a whole, consistent with subdivision (a) of Section
23 5626, to the extent feasible.

24 (c) Establish that a quorum be one person more than half of the
25 appointed members.

26 (d) Establish that the chairperson of the local youth mental
27 health board be in consultation with the local mental health
28 director.

29 SEC. 3. If the Commission on State Mandates determines that
30 this act contains costs mandated by the state, reimbursement to
31 local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.