

AMENDED IN SENATE MAY 3, 2021
AMENDED IN SENATE APRIL 19, 2021
AMENDED IN SENATE MARCH 23, 2021
AMENDED IN SENATE MARCH 10, 2021

SENATE BILL

No. 106

Introduced by Senator Umberg
(Coauthor: Senator Eggman)

January 5, 2021

An act to amend Section 5830 of, and to add and repeal Section 5831 of, the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 106, as amended, Umberg. Mental Health Services Act: innovative 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 and requires counties to spend those funds as specified. As part of the MHSA, existing law requires counties to engage in specified planning activities, including creating and updating a 3-year program and expenditure plan through a stakeholder process. Existing law authorizes counties to spend 5% of MHSA money on innovative programs, upon approval of the Mental Health Services Oversight and Accountability Commission.

Existing law authorizes the MHSA to be amended by a $\frac{2}{3}$ vote of the Legislature if the amendments are consistent with, and further the purposes of, the MHSA.

This bill would amend the MHSA by authorizing counties, until January 1, 2025, to expend *unencumbered innovative program* funds for their innovative programs without approval by the commission if the program is establishing or expanding to expand a program implementing the full-service partnership model, as defined, that serves a diverse community, including those that prioritize unserved or underserved populations that typically receive services through innovative programs. The bill would require, prior to expending the funds, that the county mental health program seek approval from the commission and that the county board of supervisors adopt specified findings. The bill would require that the commission approve or deny the request to use funds within 45 days of receiving it. The bill would require a county mental health program using funds pursuant to these provisions to report annually to the commission, as specified.

This bill would state the finding and declaration of the Legislature that this change is consistent with, and furthers the intent of, the MHSA.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~no~~-yes.
 State-mandated local program: no.

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

- 1 SECTION 1. Section 5830 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 5830. County mental health programs shall develop plans for
- 4 innovative programs to be funded pursuant to paragraph (6) of
- 5 subdivision (a) of Section 5892.
- 6 (a) The innovative programs shall have the following purposes:
- 7 (1) To increase access to underserved groups.
- 8 (2) To increase the quality of services, including better
- 9 outcomes.
- 10 (3) To promote interagency collaboration.
- 11 (4) To increase access to services, including, but not limited to,
- 12 services provided through permanent supportive housing.
- 13 (b) All projects included in the innovative program portion of
- 14 the county plan shall meet the following requirements:
- 15 (1) Address one of the following purposes as its primary
- 16 purpose:
- 17 (A) Increase access to underserved groups, which may include
- 18 providing access through the provision of permanent supportive
- 19 housing.

1 (B) Increase the quality of services, including measurable
2 outcomes.

3 (C) Promote interagency and community collaboration.

4 (D) Increase access to services, which may include providing
5 access through the provision of permanent supportive housing.

6 (2) Support innovative approaches by doing one of the
7 following:

8 (A) Introducing new mental health practices or approaches,
9 including, but not limited to, prevention and early intervention.

10 (B) Making a change to an existing mental health practice or
11 approach, including, but not limited to, adaptation for a new setting
12 or community.

13 (C) Introducing a new application to the mental health system
14 of a promising community-driven practice or an approach that has
15 been successful in nonmental health contexts or settings.

16 (D) Participating in a housing program designed to stabilize a
17 person's living situation while also providing supportive services
18 on site.

19 (c) An innovative project may affect virtually any aspect of
20 mental health practices or assess a new or changed application of
21 a promising approach to solving persistent, seemingly intractable
22 mental health challenges, including, but not limited to, any of the
23 following:

24 (1) Administrative, governance, and organizational practices,
25 processes, or procedures.

26 (2) Advocacy.

27 (3) Education and training for service providers, including
28 nontraditional mental health practitioners.

29 (4) Outreach, capacity building, and community development.

30 (5) System development.

31 (6) Public education efforts.

32 (7) Research. If research is chosen for an innovative project,
33 the county mental health program shall consider, but is not required
34 to implement, research of the brain and its physical and
35 biochemical processes that may have broad applications, but that
36 have specific potential for understanding, treating, and managing
37 mental illness, including, but not limited to, research through the
38 Cal-BRAIN program pursuant to Section 92986 of the Education
39 Code or other collaborative, public-private initiatives designed to
40 map the dynamics of neuron activity.

1 (8) Services and interventions, including prevention, early
2 intervention, and treatment.

3 (9) Permanent supportive housing development.

4 (d) If an innovative project has proven to be successful and a
5 county chooses to continue it, the project workplan shall transition
6 to another category of funding as appropriate.

7 (e) (1) County mental health programs shall expend funds for
8 innovative programs upon approval by the Mental Health Services
9 Oversight and Accountability Commission.

10 (2) Until January 1, 2025, counties may expend funds for
11 innovative programs ~~without approval of the commission for~~
12 ~~full-service partnerships~~ if the expenditure meets the requirements
13 of Section 5831.

14 SEC. 2. Section 5831 is added to the Welfare and Institutions
15 Code, to read:

16 5831. (a) County mental health programs ~~shall not require~~
17 ~~approval from the Mental Health Services Oversight and~~
18 ~~Accountability Commission to expend funds for their innovative~~
19 ~~programs as required in subdivision (e) of Section 5830 if those~~
20 ~~funds are spent to establish or may expend unencumbered funds~~
21 ~~described in paragraph (6) of subdivision (a) of Section 5892 to~~
22 expand a program implementing a full-service partnership ~~model~~
23 ~~that serves a diverse community. Programs funded pursuant to this~~
24 ~~subdivision shall comply with all requirements for innovative~~
25 ~~programs and are not exempt from any other requirement of the~~
26 ~~Mental Health Services Act. model, including those that prioritize~~
27 ~~unserved or underserved populations that typically receive services~~
28 ~~through innovative programs.~~

29 (b) ~~For purposes of this section, “full-service partnership” means~~
30 ~~the collaborative relationship between the county and the client~~
31 ~~and, when appropriate, the client's family, through which the county~~
32 ~~plans for and provides the full spectrum of community services so~~
33 ~~that the client can achieve the identified goals.~~

34 (b) *Prior to expending funds pursuant to subdivision (a), a*
35 *county mental health program shall seek approval from the*
36 *commission. Prior to seeking approval from the commission, the*
37 *board of supervisors shall adopt findings declaring that a county*
38 *mental health program meets all of the following criteria:*

39 (1) *Has allocated at least 51 percent of its community services*
40 *and supports funds, pursuant to Article 6 (commencing with Section*

1 3610) of Chapter 14 of Division 1 of Title 9 of the California Code
2 of Regulations.

3 (2) Has complied with all reporting requirements for the three
4 prior years, as required by the commission or the State Department
5 of Health Care Services.

6 (3) Has demonstrated an attempt to fund innovative projects
7 that would serve unserved or underserved communities before
8 proposing to use innovative funds pursuant to subdivision (a).

9 (c) The commission shall approve or deny the request within
10 45 days from receiving the information described in subdivision
11 (b).

12 (d) A county mental health program shall report annually to
13 the commission the use of innovative funds pursuant to this section
14 to expand full-service partnerships, including describing the
15 populations being served.

16 (e) A county mental health program that uses innovative funds
17 as described in this section shall comply with all requirements for
18 innovative programs and shall not be exempt from any requirement
19 of the Mental Health Services Act.

20 (f) If a county mental health program violates any requirement
21 of the Mental Health Services Act or any requirement of this
22 section, the commission may revoke approval to expend innovative
23 funds pursuant to subdivision (a).

24 ~~(e)~~

25 (g) This section shall remain in effect only until January 1, 2025,
26 and as of that date is repealed.

27 SEC. 3. The Legislature finds and declares that this act is
28 consistent with, and furthers the intent of, the Mental Health
29 Services Act within the meaning of Section 18 of that act.