

AMENDED IN SENATE MAY 20, 2021

AMENDED IN SENATE APRIL 26, 2021

AMENDED IN SENATE MARCH 8, 2021

SENATE BILL

No. 465

Introduced by Senator Eggman
(Coauthor: Senator Gonzalez)

February 16, 2021

An act to amend Section 5600.3 of, and to add Section 5845.8 to, ~~to~~, relating to mental health, and making an appropriation therefor. *health.*

LEGISLATIVE COUNSEL'S DIGEST

SB 465, as amended, Eggman. Mental health.

(1) Existing

Existing law contains provisions governing the operation and financing of community mental health services in every county through locally administered and locally controlled community mental health programs. Existing law further provides that, to the extent resources are available, the primary goal of the use of funds deposited in the mental health account of the local health and welfare trust fund should be to serve specified target populations, including, among others, seriously emotionally disturbed children and adolescents.

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, including on the target population of seriously emotionally disturbed

~~children and adolescents. establishes the Mental Health Services Oversight and Accountability Commission to oversee the administration of various parts of the act.~~

Existing law defines “seriously emotionally disturbed children and adolescents” for the above purposes to include minors under 18 years of age who have a mental disorder, other than a primary substance use disorder or developmental disorder, that results in behavior inappropriate to the child’s age according to expected developmental norms and who meets one or more of the prescribed criteria. One of those criteria is that, as a result of the mental disorder, the child has substantial impairment in at least 2 specified areas and is either at risk of removal from the home or has been removed from the home or the mental disorder has been present for more than 6 months or is likely to continue for more than a year without treatment.

This bill, instead, would make substantial impairment in 2 of the required areas or being at risk of removal from the home or having been removed from the home separate criteria for determining serious emotional disturbance. The bill would prohibit removal from the home, or risk of removal from the home, from being used as the sole determinant of a child being seriously emotionally disturbed. This bill would make an appropriation by expanding the target population for which continuously appropriated MHSA moneys may be spent.

(2) The MHSAs, in addition to funding a system of community mental health services, also establishes the Mental Health Services Oversight and Accountability Commission to oversee the administration of various parts of the act.

This bill would require the commission to report to specified legislative committees the outcomes for people receiving community mental health services under a full service partnership model, as specified, including any barriers to receiving the data and recommendations to strengthen California’s use of full service partnerships to reduce incarceration, hospitalization, and homelessness.

Vote: majority. Appropriation: yes-no. 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 that state
2 regulations require counties to direct the majority of their Mental
3 Health Services Act Community Services and Supports funds to

1 full service partnerships, as defined in Section 3260 of Title 9 of
2 the California Code of Regulations. Programs in this category
3 provide flexible funding, intensive case management, and services
4 such as housing, employment, education, peer support, cooccurring
5 disorder treatment, and outreach. However, the full service
6 partnership category of services could be strengthened to better
7 serve the most needy, at-risk individuals, with an emphasis on
8 serving those at risk of experiencing homelessness, hospitalization,
9 or criminalization. Revisions to the current regulatory definitions
10 and requirements of the full service partnership program will allow
11 counties to better serve children, adults, and older adults with
12 mental illness.

13 SEC. 2. ~~Section 5600.3 of the Welfare and Institutions Code~~
14 is amended to read:

15 ~~5600.3. To the extent resources are available, the primary goal~~
16 ~~of the use of funds deposited in the mental health account of the~~
17 ~~local health and welfare trust fund should be to serve the target~~
18 ~~populations identified in the following categories, which shall not~~
19 ~~be construed as establishing an order of priority:~~

20 (a) (1) ~~Seriously emotionally disturbed children or adolescents.~~
21 (2) ~~For the purposes of this part, “seriously emotionally~~
22 ~~disturbed children or adolescents” means minors under 18 years~~
23 ~~of age who have a mental disorder identified in the most recent~~
24 ~~edition of the Diagnostic and Statistical Manual of Mental~~
25 ~~Disorders, other than a primary substance use disorder or~~
26 ~~developmental disorder, that results in behavior inappropriate to~~
27 ~~the child’s age according to expected developmental norms.~~
28 Members of this target population shall meet one or more of the
29 ~~following criteria:~~

30 (A) ~~As a result of the mental disorder, the child has substantial~~
31 ~~impairment in at least two of the following areas: self-care, school~~
32 ~~functioning, family relationships, or ability to function in the~~
33 ~~community.~~

34 (B) ~~The child is at risk of removal from home or has already~~
35 ~~been removed from the home. Removal or risk of removal from~~
36 ~~home on its own does not qualify a child as seriously emotionally~~
37 ~~disturbed.~~

38 (C) ~~The child displays one of the following: psychotic features,~~
39 ~~risk of suicide, or risk of violence due to a mental disorder.~~

1 (D) The child has been assessed pursuant to Article 2
2 (commencing with Section 56320) of Chapter 4 of Part 30 of
3 Division 4 of Title 2 of the Education Code and determined to
4 have an emotional disturbance, as defined in paragraph (4) of
5 subdivision (c) of Section 300.8 of Title 34 of the Code of Federal
6 Regulations.

7 (b) (1) Adults and older adults who have a serious mental
8 disorder.

9 (2) For the purposes of this part, "serious mental disorder"
10 means a mental disorder that is severe in degree and persistent in
11 duration, that may cause behavioral functioning which interferes
12 substantially with the primary activities of daily living, and that
13 may result in an inability to maintain stable adjustment and
14 independent functioning without treatment, support, and
15 rehabilitation for a long or indefinite period of time. Serious mental
16 disorders include, but are not limited to, schizophrenia, bipolar
17 disorder, post-traumatic stress disorder, as well as major affective
18 disorders or other severely disabling mental disorders. This section
19 does not exclude persons with a serious mental disorder and a
20 diagnosis of substance abuse, developmental disability, or other
21 physical or mental disorder.

22 (3) Members of this target population shall meet all of the
23 following criteria:

24 (A) The person has a mental disorder as identified in the most
25 recent edition of the Diagnostic and Statistical Manual of Mental
26 Disorders, other than a substance use disorder, developmental
27 disorder, or acquired traumatic brain injury as defined in
28 subdivision (a) of Section 4354, unless that person also has a
29 serious mental disorder as defined in paragraph (2).

30 (B) (i) As a result of the mental disorder, the person has
31 substantial functional impairments or symptoms, or a psychiatric
32 history demonstrating that without treatment there is an imminent
33 risk of decompensation to having substantial impairments or
34 symptoms.

35 (ii) For the purposes of this part, "functional impairment" means
36 being substantially impaired as the result of a mental disorder in
37 independent living, social relationships, vocational skills, or
38 physical condition.

1 (C) As a result of a mental functional impairment and
2 circumstances, the person is likely to become so disabled as to
3 require public assistance, services, or entitlements.

4 (4) For the purpose of organizing outreach and treatment options,
5 to the extent resources are available, this target population includes,
6 but is not limited to, persons who are any of the following:

7 (A) Homeless persons who are mentally ill.

8 (B) Persons evaluated by appropriately licensed persons as
9 requiring care in acute treatment facilities, including state hospitals,
10 acute inpatient facilities, institutes for mental disease, and crisis
11 residential programs.

12 (C) Persons arrested or convicted of crimes.

13 (D) Persons who require acute treatment as a result of a first
14 episode of mental illness with psychotic features.

15 (E) California veterans in need of mental health services and
16 who meet the existing eligibility requirements of this section, shall
17 be provided services to the extent services are available to other
18 adults pursuant to this section. Veterans who may be eligible for
19 mental health services through the United States Department of
20 Veterans Affairs should be advised of these services by the county
21 and assisted in linking to those services, but the eligible veteran
22 shall not be denied county mental or behavioral health services
23 while waiting for a determination of eligibility for, and availability
24 of, mental or behavioral health services provided by the United
25 States Department of Veterans Affairs.

26 (A) An eligible veteran shall not be denied county mental health
27 services based solely on the person's status as a veteran, including
28 whether or not the person is eligible for services provided by the
29 United States Department of Veterans Affairs.

30 (B) Counties shall refer a veteran to the county veterans service
31 officer, if any, to determine the veteran's eligibility for, and the
32 availability of, mental health services provided by the United States
33 Department of Veterans Affairs or other federal health care
34 provider.

35 (C) Counties should consider contracting with community-based
36 veterans' services agencies, where possible, to provide high-quality,
37 veteran specific mental health services.

38 (e) Adults or older adults who require, or are at risk of requiring,
39 acute psychiatric inpatient care, residential treatment, or outpatient

1 crisis intervention because of a mental disorder with symptoms of
2 psychosis, suicidality, or violence.

3 ~~(d) Persons who need brief treatment as a result of a natural~~
4 ~~disaster or severe local emergency.~~

5 SEC. 3.

6 SEC. 2. Section 5845.8 is added to the Welfare and Institutions
7 Code, to read:

8 5845.8. (a) The commission shall annually report to the Senate
9 and Assembly Committees on Health, Senate Budget Subcommittee
10 on Health and Human Services, and Assembly Budget
11 Subcommittee on Health and Human Services the outcomes for
12 those receiving community mental health services under a full
13 service partnership model.

14 (b) The report shall include, but not be limited to, information
15 regarding persons eligible for full service partnerships, including
16 summary information relating to enrollees and nonenrollees with
17 respect to the community mental health services they receive and
18 their experience with all of the following:

19 (1) Incarceration or criminalization.

20 (2) Housing status or homelessness.

21 (3) Hospitalization, emergency room utilization, and crisis
22 service utilization.

23 (c) The report shall also include information regarding
24 individuals who separate from a full service partnership, including,
25 but not limited to, analysis of the reasons for separation and, to
26 the extent possible, the community mental health services received
27 and the statuses or experiences of these individuals regarding the
28 outcomes identified in subdivision (b) for a period of 12 months
29 following separation.

30 (d) The report shall also assess the degree to which the
31 individuals most in need are accessing services and maintaining
32 participation in a full service partnership or other programs
33 providing similar services.

34 (e) The commission shall report any barriers to receiving the
35 data relevant to completing this report and include
36 recommendations to strengthen California's use of full service
37 partnerships to reduce incarceration, hospitalization, and
38 homelessness.

39 (f) In doing this work, the commission shall consult with the
40 California mental health community, including, but not limited to,

- 1 consumers, relatives of consumers, providers, and other subject
- 2 matter experts.

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