

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1273

Introduced by Senator Moorlach

February 18, 2016

An act to amend Section 5813.5 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1273, as amended, Moorlach. Crisis stabilization units: funding.

Existing law 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, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, funds a system of county mental health plans for the provision of mental health services, as specified.

The act establishes the Mental Health Services Fund, continuously appropriated to and administered by the State Department of Health Care Services, to fund specified county mental health programs, including programs funded under the Adult and Older Adult Mental Health System of Care Act. Existing law prohibits these funds from being used to pay for persons incarcerated in state prison or parolees from state prisons.

This bill would clarify that the counties may use Mental Health Services Fund moneys to provide *outpatient* crisis stabilization services, including ~~temporary commitment~~ *crisis intervention and stabilization for a person suffering acute symptoms or distress, crisis residential treatment, rehabilitative mental health services, and mobile crisis*

support teams. Because the bill would clarify the procedures and terms of Proposition 63, it would require a majority vote of the Legislature.

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

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

1 SECTION 1. (a) *The Legislature finds and declares all of the*
 2 *following:*

3 (1) *There is an urgent and crucial need for mental health crisis*
 4 *stabilization services in California.*

5 (2) *In 2013, the California Legislature enacted Senate Bill 82*
 6 *(Chapter 34 of the Statutes of 2013) to dedicate money for the*
 7 *General Fund to support crisis stabilization services.*

8 (3) *In 2004, the California electorate approved Proposition 63,*
 9 *the Mental Health Services Act, to address serious mental illness*
 10 *among adults, children, and seniors involving prevention and early*
 11 *intervention and supportive medical care.*

12 (4) *Currently there are counties using Mental Health Services*
 13 *Act money for crisis stabilization services, and other counties that*
 14 *are not.*

15 (b) *The Legislature finds and declares that this act clarifies that*
 16 *counties may use funds provided under the Mental Health Services*
 17 *Act to provide services to individuals who are being temporarily*
 18 *evaluated for mental health reasons.*

19 SECTION 1.

20 SEC. 2. Section 5813.5 of the Welfare and Institutions Code
 21 is amended to read:

22 5813.5. Subject to the availability of funds from the Mental
 23 Health Services Fund, the state shall distribute funds for the
 24 provision of services under Sections 5801, 5802, and 5806 to
 25 county mental health programs. Services shall be available to adults
 26 and seniors with severe illnesses who meet the eligibility criteria
 27 in subdivisions (b) and (c) of Section 5600.3. For purposes of this
 28 act, “seniors” means older adult persons identified in Part 3
 29 (commencing with Section 5800) of this division.

30 (a) Funding shall be provided at sufficient levels to ensure that
 31 counties can provide each adult and senior served pursuant to this
 32 part with the medically necessary mental health services,

1 medications, and supportive services set forth in the applicable
2 treatment plan.

3 (b) The funding shall only cover the portions of those costs of
4 services that cannot be paid for with other funds including other
5 mental health funds, public and private insurance, and other local,
6 state, and federal funds.

7 (c) Each county mental health program's plan shall provide for
8 services in accordance with the system of care for adults and
9 seniors who meet the eligibility criteria in subdivisions (b) and (c)
10 of Section 5600.3.

11 (d) Planning for services shall be consistent with the philosophy,
12 principles, and practices of the Recovery Vision for mental health
13 consumers:

14 (1) To promote concepts key to the recovery for individuals
15 who have mental illness: hope, personal empowerment, respect,
16 social connections, self-responsibility, and self-determination.

17 (2) To promote consumer-operated services as a way to support
18 recovery.

19 (3) To reflect the cultural, ethnic, and racial diversity of mental
20 health consumers.

21 (4) To plan for each consumer's individual needs.

22 (e) The plan for each county mental health program shall
23 indicate, subject to the availability of funds as determined by Part
24 4.5 (commencing with Section 5890), and other funds available
25 for mental health services, adults and seniors with a severe mental
26 illness being served by this program are either receiving services
27 from this program or have a mental illness that is not sufficiently
28 severe to require the level of services required of this program.

29 (f) Each county plan and annual update pursuant to Section
30 5847 shall consider ways to provide services similar to those
31 established pursuant to the Mentally Ill Offender Crime Reduction
32 Grant Program. Funds shall not be used to pay for persons
33 incarcerated in state prison or parolees from state prisons.

34 (1) When included in county plans pursuant to Section 5847,
35 funds may be used for the provision of mental health services under
36 Sections 5347 and 5348 in counties that elect to participate in the
37 Assisted Outpatient Treatment Demonstration Project Act of 2002
38 (Article 9 (commencing with Section 5345) of Chapter 2 of Part
39 1).

1 (2) When included in county plans pursuant to Section 5847,
2 funds may be used for the provision of *outpatient* crisis stabilization
3 services, including ~~temporary commitment pursuant to Section~~
4 ~~5150:~~ *crisis intervention and stabilization for a person suffering*
5 *acute symptoms or distress, crisis residential treatment, as defined*
6 *in Section 5671, rehabilitative mental health services, and mobile*
7 *crisis support teams, including personnel and the purchase or*
8 *lease of equipment such as vehicles.*

9 (g) The department shall contract for services with county
10 mental health programs pursuant to Section 5897. After the
11 effective date of this section, the term grants referred to in Sections
12 5814 and 5814.5 shall refer to such contracts.

13 ~~SEC. 2. The Legislature finds and declares that this act clarifies~~
14 ~~that counties may use funds provided under the Mental Health~~
15 ~~Services Act to provide services to individuals who are being~~
16 ~~temporarily evaluated for mental health reasons.~~