

Mental Health Services Oversight and Accountability Commission MHSOAC

Written Explanation of Amendments to MHSOAC Conflict of Interest Code

INTRODUCTION

The Mental Health Services Oversight and Accountability Commission (MHSOAC or Commission), pursuant to the authority set forth in Section 87306 of the Government Code, proposes to amend its Conflict of Interest Code. The purpose of these amendments is to implement the requirements of Sections 87300 through 87302, and Section 87306 of the Government Code.

The Political Reform Act (Gov. Code Section 81000 et seq.) requires each government agency to adopt a conflict of interest code, and agency personnel covered by the code to periodically file a financial disclosure statement known as a Statement of Economic Interests (Form 700). (See Gov. Code Sections 87300 and 87302.) Among other things, an agency's conflict of interest code must list employee positions with the agency that involve the making of or participation in the making of decisions that may foreseeably have a material financial effect on any economic interest of the employee and, for each listed position, the specific types of investments, business positions, and sources of income and gifts which are required to be disclosed on the statement of economic interests. (Gov. Code Section 87302.)

BACKGROUND/OVERVIEW

The Conflict of Interest Code for the MHSOAC was issued when the Commission was still a part of the Department of Mental Health (DMH). Since that time, the Mental Health Services Act (MHSA) has been amended several times which resulted in corresponding changes to the MHSOAC's authority, including making the Commission independent from DMH. The amendments to the MHSA also shifted significant responsibilities for the mental health programs from the state to the counties and eliminated state level approval of county plans except for the Commission's approval of county MHSA Innovation projects. In addition, the organizational structure of the Commission changed over the years, including adding several new position titles.

DISCLOSURE DETERMINATIONS/DESIGNATED POSITIONS

The amendments to the MHSOAC Conflict of Interest Code are based on a comprehensive management review. As a result of that review the Conflict of Interest Code updates or deletes some titles, adds new position titles to the list of designated employees (Appendix A) and makes other technical changes to reflect the current organizational structure of the MHSOAC.

Deleted Positions:

“Alternate Member” was deleted from the designated positions list because there is no such position at the Commission.

The “Associate Mental Health Specialist” position was deleted from the designated positions list because there is no longer such position at the Commission. That position was reclassified to Associate Governmental Program Analyst.

The “Staff Services Analyst” position was deleted from the designated positions list because a review of the duty statements of the Staff Services Analyst showed that the duties are clerical, secretarial, ministerial, or manual and thus are outside the scope of the Government Code Section.

Added Positions:

The following new positions were added to the designated positions list because the Commission has hired individuals in these new positions:

- Associate Governmental Program Analyst
- CEA (multiple levels)
- Consulting Psychologist
- Information Officer
- Research Program Specialist (multiple levels)
- Research Scientist Supervisor (II)
- Research Scientist (multiple levels)
- Staff Counsel III
- Staff Information Systems Analysts
- Staff Services Managers (multiple levels)

TEXT OF DISCLOSURE CATEGORIES

The current Conflict of Interest Code has three (3) separate disclosure categories covering designated employees and commissioners. The current categories are overly broad and are not specifically tailored to the decision making authority of each specific job category.

The proposed amended code also has three separate disclosure categories; however, the new categories are revised to provide disclosure that is more specifically tailored to the specific job classifications. In order to have effective disclosure categories the individual filing the Form 700 must be able to determine the scope of the financial interest that must be disclosed.

Disclosure Category (DC) #1 requires disclosure of financial interest (as defined) “from sources of programs of the type that are submitted to the MHSOAC for approval”. The application of DC #1 is limited to those who make the decision or participate in making the decision regarding approving MHSA Innovation project plans submitted by the Counties and Triage grants. Only Commissioners and the top echelon of the Commission’s program unit participate in these decisions. DC #1 is patterned after the

FPPC-approved “model” disclosure description for use by state agencies that approve grants/programs.

DC #2 requires disclosure of financial interest (as defined) “from sources of the type that provide services, equipment, materials, vehicles, supplies, to the MHSOAC.” DC #2 applies to all individuals who participate in the preparation of procurements (of all types, e.g. requests for proposals, grants, and invitations for bid) and contracts and all individuals who make the decisions or participate in making the decisions regarding procurements and contracts for the Commission. DC #2 is patterned after the FPPC-approved “model” disclosure description for general contracting category. The disclosure also provides examples of specific types of contracts so that individuals will be reminded of the range of financial interests which are included in their disclosure obligations.

DC #3 requires disclosure of financial interest (as defined) “from sources of the type that engage in the information technology field, including but not limited to training and consulting.”