

Proposed Changes to Innovative Project Regulations

The Mental Health Services Oversight and Accountability Commission (MHSOAC) at the April 23, 2015 Commission meeting voted to modify the proposed language of the sections listed below that were the subject of the notices published on July 11, 2014 for a 45-day public comment period, on October 30, 2014 for a 15-day public comment period, on December 18, 2014 for a 15-day public comment period, and/or on March 27, 2015 for a 15-day public comment period. The MHSOAC has illustrated changes to the original text in the following manner: (1) regulation language originally proposed in July 2014 is underlined; (2) deletions from the language originally proposed and the subject of the October 30, 2014, December 18, 2014, or March 27, 2015 15-day public comment periods are shown in underline and strikeout using a “-”; (3) additions to the language originally proposed and the subject of the October 30, 2014, December 18, 2014, or March 27, 2015 15-day public comment periods are double-underlined; (4) deletions from the language that are the subject of this 15-day public comment period dated April 24, 2015 are shown in bold, italics, and strikeout using a “-”; and (5) additions to the language that are the subject of this 15-day public comment period dated April 24, 2015 are shown in bold and italics.

Article 5. Reporting Requirements

Adopt Section 3580 as follows:

Section 3580. Innovative Project Reports.

(a) For each approved Innovative Project, the County shall submit to the Mental Health Services Oversight and Accountability Commission the following reports, as applicable.

(1) For a continuing Innovative Project, an Annual Innovative Project Report as specified in Section 3580.010.

(A) ~~The Annual Innovative Project Report is due no later than December 31 following the end of the fiscal year for which the County is reporting. The County may submit the Annual Innovative Project Report as part of the Three Year Program and Expenditure Plan or Annual Update to the extent allowable by state and federal privacy laws.~~ ***The County may submit the Annual Innovative Project Report as part of the Three-Year Program and Expenditure Plan or Annual Update.***

(B) The County shall ~~disseminate~~ ***exclude from*** the Annual Innovative Project Report ~~without the inclusion of~~ personally identifiable information as ~~prohibited~~ ***defined*** by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Health Information Technology for Economic and Clinical Health Act (HITECH) and their implementing privacy and security regulations, the California Information Practices Act, and any other applicable state or federal privacy laws, ~~by, at a minimum, posting it on the County's website.~~

(i) When the County has excluded information pursuant to subdivision (B) above, the County shall submit to the Mental Health Services Oversight and Accountability Commission one of the following:

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- (a) A supplemental Annual Innovative Project Report that contains all of the information including the information that was excluded pursuant to subdivision (B). This supplemental report shall be marked "confidential".*
- (b) A supplement to the Annual Innovative Project Report that contains the information that was excluded pursuant to subdivision (B). This supplement to the report shall be marked "confidential".*
- (2) Upon completion of an Innovative Project, a Final Innovative Project Report as specified in Section 3580.020.
- (A) The County may submit the **County may submit the** Final Innovative Project Report ~~is due no later than~~ **as part of the Three-Year Program and Expenditure Plan, Annual Update, or within** ~~as part of the Three-Year Program and Expenditure Plan, Annual Update, or within~~ **six months from completion of the Innovative Project** ~~whichever is closest in time to the completion of the innovative project~~ **whichever is closest in time to the completion of the Innovative Project.**
- (B) The County shall ~~disseminate~~ **exclude from** the Final Innovative Project Report ~~without the inclusion of~~ **personally identifiable information as prohibited defined by the Health Insurance Portability and Accountability Act of 1996, (HIPAA) the Health Information Technology for Economic and Clinical Health Act (HITECH) and their implementing privacy and security regulations, the California Information Practices Act, and any other applicable state and federal privacy laws** ~~by, at a minimum, posting it on the County's website.~~
- (i) When the County has excluded information pursuant to subdivision (B) above, the County shall submit to the Mental Health Services Oversight and Accountability Commission one of the following:*
- (a) A supplemental Final Innovative Project Report that contains all of the information including the information that was excluded pursuant to subdivision (B). This supplemental report shall be marked "confidential".*
- (b) A supplement to the Final Innovative Project Report that contains the information that was excluded pursuant to subdivision (B). This supplement to the report shall be marked "confidential".*

NOTE: Authority cited: Section 5846, Welfare and Institutions Code. Reference: Sections 5830 and 5847, Welfare and Institutions Code.

Adopt Section 3580.010 as follows:

Section 3580.010. Annual Innovative Project Report.

- (a) The Annual Innovative Project Report shall include:
- (1) Name of the Innovative Project
- (2) ~~(1)~~ Whether and what changes were made to the Innovative Project during the reporting period and the reasons for the changes.
- (3) ~~(2)~~ Available evaluation data, including outcomes of the Innovative Project and information about which elements of the Project that are contributing to outcomes.

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- (4) ~~(3)~~ Program information collected during the reporting period, including for applicable Innovative Projects that serve individuals, number of participants served by:
- (A) Age by the following categories:
- (i) 0-15 (children/youth)
 - (ii) 16-25 (transition age youth)
 - (iii) 26-59 (adult)
 - (iv) ages 60+ (older adults)
 - (v) ~~Declined to state~~ Number of respondents who declined to answer the question
- (B) Race by the following categories:
- (i) American Indian or Alaska Native
 - (ii) Asian
 - (iii) Black or African American
 - (iv) Native Hawaiian or other Pacific Islander
 - (v) White
 - (vi) Other
 - (vii) More than one race
 - (viii) ~~Declined to state~~ Number of respondents who declined to answer the question
- (C) Ethnicity by the following categories:
- (i) Hispanic or Latino as follows
 - (a) Caribbean
 - (b) Central American
 - (c) Mexican/Mexican-American/Chicano
 - (d) Puerto Rican
 - (e) ~~(d)~~ South American
 - (f) ~~(e)~~ Other
 - (g) ~~Declined to state~~ Number of respondents who declined to answer the question
 - (ii) Non-Hispanic or Non-Latino as follows
 - (a) African
 - (b) Asian Indian/South Asian
 - (b) ~~(b)~~ Cambodian
 - (c) ~~(c)~~ Chinese
 - (d) ~~(d)~~ Eastern European
 - (e) ~~(e)~~ European
 - (f) ~~(f)~~ Filipino
 - (g) ~~(g)~~ Japanese
 - (h) ~~(h)~~ Korean
 - (i) ~~(i)~~ Middle Eastern
 - (j) ~~(j)~~ Vietnamese
 - (k) ~~(k)~~ Other
 - (l) ~~Declined to state~~ Number of respondents who declined to answer the question
 - (m) More than one ethnicity
 - (n) ~~Declined to state~~ Number of respondents who declined to answer the question
- (D) Primary language ~~spoken listed~~ used by threshold languages for the individual county
- (E) Sexual orientation,

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- ~~(i) Gay, or Lesbian or Bisexual~~
 - (ii) Heterosexual or Straight
 - ~~(iii) Other Bisexual~~
 - (iv) Questioning or unsure of sexual orientation
 - (v) Queer
 - (vi) Another sexual orientation
 - ~~(vii) Declined to state Number of respondents who declined to answer the question~~
- (F) A Disability, if any, defined as a physical or mental impairment or medical condition lasting at least six months that substantially limits a major life activity, which is not the result of a severe mental illness.
 - (i) Yes, ~~specify the report~~ the number that apply in each domain of disability(ies)
 - (a) Communication domain separately by each of the following including but not limited to
 - (i) Difficulty seeing
 - (ii) Difficulty hearing, or having speech understood
 - (iii) Other, **(specify) to be specified by County as applicable**
 - (b) Mental domain not including a mental illness (including but not limited to a learning disability, developmental disability, dementia)
 - (c) Physical/mobility domain
 - (d) Chronic health condition (including but not limited to chronic pain)
 - (e) Other (specify)
 - (ii) No
 - ~~(iii) Declined to state Number of respondents who declined to answer the question~~
- (G) Veteran status, and
 - (i) Yes
 - (ii) No
 - ~~(iii) Declined to state Number of respondents who declined to answer the question~~
- (H) Gender identity
 - (i) Assigned sex at birth
 - (a) Male
 - (b) Female
 - (c) Number of respondents who declined to answer the question
 - (ii) Current gender identity
 - (a) Male
 - (b) Female
 - (c) Transgender
 - (d) Genderqueer
 - (e) Questioning or unsure of gender identity
 - (f) Another gender identity
 - (g) Number of respondents who declined to answer the question

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~~(iii) Transgender~~

~~(iv) Other~~

~~(v) Declined to state~~

~~(5) (4) Any other data the County considers relevant.~~

NOTE: Authority cited: Section 5846, Welfare and Institutions Code. Reference: Sections 5830, 5845(d)(6), and 5847, Welfare and Institutions Code.