Text of Modified Proposed Innovative Project Regulations

The Mental Health Services Oversight and Accountability Commission (MHSOAC) at the October 23, 2014 meeting voted to modify the proposed language of the sections listed below that were the subject of a notice published on July 11, 2014 for a 45-day public comment period. The MHSOAC has illustrated changes to the original text in the following manner: regulation language originally proposed in July 2014 is underlined; deletions from the language originally proposed are shown in underline and strikeout using a "-"; and additions to the language originally proposed are double-underlined.

Article 2. Definitions

Adopt Section 3200.182 as follows:

Section 3200.182. Innovation.

(a) "Innovation" Component means the ~~component~~ section of the Three-year Program and Expenditure Plan that consists of one or more Innovative Projects.

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

Article 5. Reporting Requirements

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) Whether and what changes were made to the Innovative Project during the reporting period and the reasons for the changes.
  (3) Available evaluation data, including outcomes of the Innovative Project and information about which elements of the Project ~~that~~ are contributing to outcomes.
  (4) 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
    (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

(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
(ii) Non-Hispanic or Non-Latino as follows
(a) African
(b) Asian Indian/South Asian
(c) ~~(b)~~ Cambodian
(d) ~~(c)~~ Chinese
(e) ~~(d)~~ Eastern European
(f) ~~(e)~~European
(g) ~~(f)~~ Filipino
(h) ~~(g)~~ Japanese
(i) ~~(h)~~ Korean
(j) ~~(i)~~ Middle Eastern
(k) ~~(j)~~ Vietnamese
(l) ~~(k)~~ Other
(m) Declined to state
(iii) More than one ethnicity
(iv) Declined to state

(D) Primary language ~~spoken listed~~ used by threshold languages for the individual county

(E) Sexual orientation,
(i) Gay, Lesbian or Bisexual
(ii) Heterosexual
(iii) Other
(iv) Declined to state

(F) A Disability, if any, which is not the result of a severe mental illness
(i) Yes, specify the disability(ies)
(ii) No
(iii) Declined to state

(G) Veteran status, ~~and~~
(i) Yes
(ii) No
(iii) Declined to state

(H) Gender identity,
(i) Male
(ii) Female
(iii) Transgender
(iv) Other
(v) Declined to state

(5) 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.

Adopt Section 3580.020 as follows:

Section 3580.020. Final Innovative Project Report.

(a) The Final Innovative Project Report shall include:

(1) Name of the Innovative Project

(2) Brief summary of the priority issue related to mental illness or to an aspect of the mental health service system for which the County chose to design and test ~~an~~ the Innovative Project.

(3) Description of any changes that the County made to the Innovative Project during the course of its implementation and evaluation and the reasons for and impact of the changes, including any changes in the timeline.

(4) Program information collected during the reporting period as specified in Section 3580.010, subdivision (a)(3).

(5) Final evaluation results, including but not limited to:

(A) Description of the evaluation methodology;

(B) Outcomes of the Innovative Project including those related to the selected primary purpose, with a focus on whatever was new or changed compared to established mental health practices;

(C) Any variation in outcomes based on demographics of participants, if applicable;

(D) Assessment of which activities or elements of the Innovative Project contributed to successful outcomes;

(E) Explanation of how the evaluation was culturally appropriate;

(F) Explanation of how stakeholders contributed to the evaluation.

(6) Whether and how the County will continue the Innovative Project, the source of ongoing funding, if applicable, the reason for the decision, and how the County involved stakeholders in the decision.

(7) Whether ~~or not~~ the Innovative Project achieved its intended outcomes and a summary of what was learned.

(8) Description of how the County disseminated the results of the Innovative Project to stakeholders, and if applicable to other counties (e.g. as the County determined that the information would be of benefit to other counties).

(9) Any other data or information the County considers relevant.

(b) The County shall include a copy of any presentations, reports, articles, manuals, CDs, DVDs, videos, or any other materials developed to communicate successful new or changed mental health practices, lessons learned and evaluation results of the Innovative Project.

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

Article 9. Innovation

Adopt Section 3905 as follows:

Section 3905. Required Approval.

(a) The County shall ~~use~~ expend Innovation Funds for a specific Innovative Project only after the Mental Health Services Oversight and Accountability Commission approves the funds for that Innovative Project.

(b) The County shall ~~use~~ expend Innovation Funds only to implement one or more Innovative Projects.

NOTE: Authority cited: Section 5846, Welfare and Institutions Code. Reference: Sections 5830(e), and 5892(a)(6), Welfare and Institutions Code.

Adopt Section 3910 as follows:

Section 3910. Innovative Project General Requirements.

(a) The County shall design and implement an Innovative Project to do one of the following:

(1) Introduce a mental health practice or approach that is new to the overall mental health system, including, but not limited to, prevention and early intervention.

(2) Make a change to an existing practice in the field of mental health, including but not limited to, application to a different population.

(3) Appl~~ies~~y to the mental health system a promising community-driven practice or approach that has been successful in non-mental health contexts or settings.

(b) A mental health practice or approach that has already demonstrated its effectiveness is not eligible for funding as an Innovative Project unless the County provides documentation about how and why the County is adapting the practice or approach, consistent with subdivision (a)(2) above and with section 3920(c)(2). For example, the change can include specific adaptation(s) to respond to unique characteristics of the County or a community within the County such as an adaptation for a rural setting of a mental health practice that has demonstrated its effectiveness in an urban setting, or vice versa.

(1) For purposes of this section, a mental health practice is deemed to have demonstrated its effectiveness if there is documentation in mental health literature of the effectiveness of the practice.

(c) Primary Purpose: The County shall select one of the following as its primary purpose for developing and evaluating the new or changed mental health practice referenced in subdivision (a) of this section.
   (1) Increase access to mental health services to underserved groups as defined in Title 9 California Code of Regulations, Section 3200.300,
   (2) Increase the quality of mental health services, including measurable outcomes,
   (3) Promote interagency and community collaboration related to mental health services or supports or outcomes,
   (4) Increase access to mental health services.

(d) Focus on Mental Health and Mental Illness: An Innovative Project may affect virtually any aspect of mental health practices or assess a new or changed application of a promising approach to solve persistent mental health challenges, including but not limited to, administrative, governance, and organizational practices, processes, or procedures; advocacy; education and training for services providers, including nontraditional mental health practitioners; outreach, capacity building, and community development; system development; public education efforts; research; services and interventions, including prevention, early intervention, and treatment.
   (1) "Persistent mental health challenge" means a priority issue related to mental illness or to an aspect of the mental health service system that the County, with meaningful stakeholder involvement, decides to address by designing and evaluating an applicable Innovative Project.
   (2) The challenge addressed must be consistent with the selected primary purpose for Innovative Projects referenced in subdivision (c) of this section.

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

Adopt Section 3910.010 as follows:

Section 3910.010. Time-Limited Pilot Project.

(a) An Innovative Project shall have an end date that is not more than ~~four~~ five years from the start date of the Innovative Project~~, unless extended pursuant to subdivision (b) of this section~~.
   (1) "Start date" means the date the County begins the implementation of the Innovative Project.
   (2) "End date" means the date the County finalizes the decision whether to continue the Innovative Project.

(b) The County designates the timeframe to complete the Innovative Project based on the complexity of the evaluation and the approach to be evaluated.
   (1) If, after the Innovative Project has been approved by the Mental Health Services Oversight and Accountability Commission, the County determines a need to extend the length of the Innovative Project the County shall within 30 days of the decision, notify the Mental Health Services Oversight and Accountability Commission of the new start date and/or end date of the Innovative Project. In no case shall the Innovative Project last longer than five years.

(c) The County shall have a preliminary plan, from the outset, about how it will decide whether to continue an Innovative Project.

(d) If applicable, the County shall have a plan about how to protect and provide continuity for individuals with serious mental illness who are receiving services from the Innovative Project at the conclusion of Innovation funding.

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

Adopt Section 3910.015 as follows:

Section 3910.015. Continuation of an Innovative Project.

(a) After completion of the evaluation (i.e. when the evaluation questions are answered), the County, with meaningful involvement of stakeholders, shall decide whether and how Innovative Projects or elements of Innovative Projects, will be continued and incorporated into the local mental health delivery system and with what other funding sources, if funding is required.

(b) An Innovative Project proven to be successful that the County, with meaningful stakeholder involvement, chooses to continue, in whole or in part, shall not be funded with Innovation Funds.

(c) To continue a successful Innovative Project, the County shall transition the Project, or successful elements of the Project, if funding is required, to another category of funding. In some instances, the County may be able to incorporate successful practices demonstrated through an Innovative Project into existing mental health programs or services without the need for additional funds.

NOTE: Authority cited: Section 5846, Welfare and Institutions Code. Reference: Sections 5830(d) and 5848, Welfare and Institutions Code.

Adopt Section 3910.020 as follows:

Section 3910.020. Early Termination of an Innovative Project.

(a) The County, with meaningful involvement from stakeholders, may terminate an Innovative Project prior to the planned end date.

  (1) The County shall notify stakeholders and the Mental Health Services Oversight and Accountability Commission within 30 days of the County's decision to terminate an Innovative Project prior to the planned end date, including the reasons for the decision.

    (A) If the Innovative Project provides services for individuals with serious mental illness, the notification shall include a description of the steps the County took to protect and provide continuity of services for those individuals with serious mental illness who were being served.

  (2) If applicable, the County, prior to terminating an Innovative Project, shall take all reasonably necessary steps to protect and provide continuity of services for individuals with serious mental illness.

(b) The County may, without involvement of stakeholders, terminate an Innovative Project prior to the planned end date, due to unforeseen legal, ethical or other risk-related reasons.

(1) The County shall inform stakeholders and the Mental Health Services Oversight Accountability Commission as soon as possible but in no case more than 30 days after the decision to terminate, including the reasons for the termination

(A) If the Innovative Project provides services to individuals with serious mental illness, the notification shall include a description of the steps the County took to protect and provide continuity of services for those individuals ~~or families~~ who were being served.

NOTE: Authority cited: Section 5846, Welfare and Institutions Code. Reference: Section 5830(d) and 5848, Welfare and Institutions Code.

Adopt Section 3915 as follows:

Section 3915. Innovative Project Evaluation.

(a) The County shall design a method for evaluating the effectiveness and feasibility of the Innovative Project and shall conduct the evaluation according to the method designed.

(b) The evaluation shall measure ~~the achievement of~~ intended mental health outcomes selected by the County that are relevant to the risk of, manifestation of, and /or recovery from mental illness or to the improvement of ~~for individuals and families related to a risk of or manifestation of serious mental illness and/or for~~ the mental health system~~, using appropriate indicators selected by the County~~.

(1) The County shall select appropriate indicators to measure the intended mental health outcomes.

(c) The evaluation shall include a measurement related to the selected primary purpose. For example, if the primary purpose is to increase access to mental health services, the evaluation must include a measurement of access.

(d) The evaluation shall assess the impact of whatever element(s) of the Innovative Project ~~were~~ are new and /or changed, compared to established practices in the field of mental health.

(e) The evaluation shall use quantitative and/or qualitative research methods to determine which elements of the Innovative Project contributed to successful outcomes in order to support data-driven decisions about incorporating new and/or revised mental health practices into the County's existing systems and services and disseminating successful practices.

(f) The County shall collect and analyze necessary data to complete the evaluation.

(g) The evaluation shall be culturally appropriate and must include meaningful involvement by diverse community stakeholders.

NOTE: Authority cited: Section 5846, Welfare and Institutions Code. Reference: Section 5830 and 5848, Welfare and Institutions Code; MHSA, Sections 2 and 3.

~~**Adopt Section 3920 as follows:**~~

~~**Section 3920. Innovative Project Expenditure Plan.**~~

~~(a) The Innovative Project shall have a budget (expenditure plan) that is consistent with the time-limited, evaluation focus of the project.~~

~~(b) The expenditure plan shall provide the projected cost by fiscal year and for the entire length of the project, including currently available Innovation Funds that the County intends to use for the designated Innovative Project and projected Innovation Funds that the County intends to use for the designated Innovative Project.~~

~~(c) The expenditure plan shall include sufficient funds for the development and refinement, piloting, evaluation, decision-making, and dissemination of the Innovative Project results.~~

~~(d) The County shall not expend Innovation Funds for an Innovative Project beyond the amount of funding approved by the Mental Health Services Oversight and Accountability Commission.~~

~~NOTE: Authority cited: Section 5846, Welfare and Institutions Code. Reference: Sections 5830 and 5845, Welfare and Institutions Code.~~

Adopt Section 3925 as follows:

Section 3925. Changed Innovative Project.

(a) If the County determines a need to change an Innovative Project that was approved by the Mental Health Services Oversight and Accountability Commission in one of the following ways, the County shall submit the Innovative Project Change Request pursuant to Section 3935 to the Mental Health Services Oversight and Accountability Commission and receive approval from the Mental Health Services Oversight and Accountability Commission before the change may be made.

(1) Change the primary purpose.

(2) Change the basic practice or approach that the County is piloting and evaluating. Minor changes in how the approach is being implemented are expected and do not require prior approval from the Mental Health Services Oversight and Accountability Commission.

(3) ~~Increase the amount of~~ Expend more Innovation Funds than previously approved.

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

Adopt Section 3930 as follows:

Section 3930. Innovation Component of the Three-Year Program and Expenditure Plan and Annual Update.

(a) To request approval to use Innovation Funds for a specific Innovative Project, the County shall submit to the Mental Health Services Oversight and Accountability Commission an Innovative Project Plan for each new Innovative Project to be funded.

(b) The Innovation Component of the Three-Year Program and Expenditure Plan or Annual Update shall include an Innovative Project Plan with the following general information for each new Innovative Project:

(1) A description of how the County ensured that staff and stakeholders involved in the Community Program Planning process required by Title 9 California Code of Regulations, Section 3300 were informed about and understood the purpose and requirements of the Mental Health Services Act Innovation Component

(2) A description of the County's plan to involve community stakeholders meaningfully in all phases of Innovative Projects, including evaluation of the Innovative Project and decision-making regarding whether to continue the Innovative Project, or elements of the Project, without Innovation Funds.

(c) The Innovation Component of the Three-Year Program and Expenditure Plan or Annual Update shall include an Innovative Project Plan which shall include a description of the Innovative Project including but not limited to the following information:

(1) Name of the Innovative Project

(2) ~~(1)~~ The selected primary purpose as described in Section 3910, subdivision (c) and the reasons that this purpose is a priority for the County for which there is a need for the County to design, develop, pilot, and evaluate approaches not already demonstrated as successful within the mental health system.

(3) ~~(2)~~ Whether and how the Innovative Project introduces a new mental health practice or approach; makes a change to an existing mental health practice that has not yet been demonstrated to be effective, including, but not limited to, adaptation for a new setting, population or community; or introduces a new application to the mental health system of a promising community-driven practice or an approach that has been successful in a non-mental health context or setting.

(A) The description shall include the key activities of the Innovative Project.

(B) The description shall address specifically how the Innovative Project is expected to contribute to the development and evaluation of a new or changed practice within the field of mental health.

(4) ~~(3)~~ Description of the new or changed mental health approach the County will develop, pilot, and evaluate.

(A) Differentiate the elements that are new or changed from existing practices in the field of mental health already known to be effective.

(B) If applicable, describe the population to be served, including demographic information such as age, gender, race, ethnicity, and language ~~spoken~~ used if relevant to the specific Project.

(C) If applicable, describe the estimated number of clients expected to be served annually.

(D) Describe briefly, with specific examples, how the Innovative Project will reflect and be consistent with all relevant ~~(potentially applicable)~~ Mental Health Services Act General Standards set forth in Title 9 California Code of Regulations, Section 3320.

(5) ~~(4)~~ Description of the method the County will use to evaluate the effectiveness of the Innovative Project including:

(A) Intended outcomes, including at least one outcome relevant to the selected primary purpose, and how those outcomes will be measured, including specific indicators for each intended outcome.

(B) Methods the County will use to assess the project elements that contributed to the outcomes.

(C) How the evaluation will assess the effectiveness of the element(s) of the Innovative Project that are new or changed compared to existing practice in mental health.

(6) ~~(5)~~ Description of how the County will decide whether and how to continue the Innovative Project, or elements of the Project, without Innovation Funds.

(7) ~~(6)~~ If applicable, description of how the County plans to protect and provide continuity for individuals with serious mental illness who are receiving services from the Innovative Project after the end of implementation with Innovation funds.

(8) ~~(7)~~ Specify the total ~~timeframe~~ length of the Innovative Project.

(A) Provide a brief explanation of how this time period will allow sufficient time for the development, time-limited implementation, evaluation, decision-making, and communication of results, including new effective practices and lessons learned.

(B) Include a timeline that specifies key milestones for development and refinement of the approach; ongoing assessment and final evaluation of the Innovative Project; decision-making, including meaningful involvement of stakeholders, about whether and how to continue a successful Innovative Project or parts of the project; and communication of the results and lessons learned with a focus of dissemination of successful Innovative Projects.

(d) The Innovation Component of the Three-Year Program and Expenditure Plan or Annual Update shall include an Innovative Project Plan which shall include a budget which shall include but not be limited to the following information:

(1) The total Innovation Funds requested for each Innovative Project

(2) ~~(1)~~ Estimated total mental health expenditures for the entire duration of each Innovative Project by fiscal year and the following funding sources:

(A) Innovation funds

(B) Medi-Cal Federal Financial Participation

(C) 1991 Realignment

(D) Behavior Health Subaccount

(E) Any other funding

(3) ~~(2)~~ The County shall include a brief narrative to explain how the estimated total budget ~~is consistent with the requirements in Section 3920.~~

(A) Is consistent with the time-limited, evaluation focus of the project

(B) Includes sufficient funds for the development and refinement, piloting, evaluation, decision-making, and dissemination of the Innovative Project results

(4) ~~(3)~~ Estimated total mental health expenditures for evaluation for the entire duration of each Innovative Project by fiscal year and the following funding sources.

(A) Innovation Funds

(B) Medi-Cal Federal Financial Participation

(C) 1991 Realignment

(D) Behavior Health Subaccount

(E) Any other funding

(5) ~~(4)~~ Estimated total mental health expenditures for the administration for the entire duration of each Innovative Project ~~broken down~~ by fiscal year and the following sources of funding.
   (A) Innovation Funds
   (B) Medi-Cal Federal Financial Participation
   (C) 1991 Realignment
   (D) Behavior Health Subaccount
   (E) Any other funding
(6) Total projected expenditures of Innovation Funds for each Innovative Project by fiscal year for
   (A) Personnel expenditure, including salaries, wages and benefits
   (B) Operating expenditure,
   (C) Non-recurring expenditures, such as cost of equipping new employees with technology necessary to perform MHSA duties to conduct the Innovative Project
   (D) Training consultant contracts
   (E) Other expenditures projected to be incurred on items not listed above and provide a justification for the expenditures
(7) ~~(5)~~ Document that the source of Innovation funds is 5 percent of the County's PEI allocation and 5 percent of the CSS allocation.

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

Adopt Section 3935 as follows:

Section 3935. Innovative Project Change Request.

(a) If, after the Innovative Project has been approved by the Mental Health Services Oversight and Accountability Commission, the County determines the need to change the Innovative Project as described in 3925 the County shall submit a Change Request for approval by the Mental Health Services Oversight and Accountability Commission. The Change Request shall describe the change, the reasons for the change, and stakeholder involvement in the decision.
(b) The County may submit the Innovative Project Change Request to the Mental Health Services Oversight and Accountability Commission as part of a Three-Year Program and Expenditure Plan, Annual Update, or as a separate request.
   (1) If the County submits the Innovative Project Change Request as a separate request and not part of a Three-Year Program and Expenditure Plan or Annual Update, the County shall document how it complied with the community planning and the local review requirements in Title 9 California Code of Regulations section 3300 and 3315.

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