

Other Proposed Changes at the State Level



SHERRI GAUGER
MHSOAC EXECUTIVE DIRECTOR

AARON CARRUTHERS
MHSOAC CHIEF DEPUTY EXECUTIVE DIRECTOR

Overview



- Highlights of Recent Legislative Hearing
- Highlights of SB 1136 (Steinberg)
- Compare proposals with AB 100 Work Group agreements & MHSOAC's adopted principles related to:
 - Evaluation
 - Governor's Proposed 11/12 Budget Impact on MHSA
 - MHSOAC Role in a Changing MHS Environment

Legislative Hearing



The MHSOAC recently participated in a Legislative hearing

- **February 21, 2012, Joint Hearing of the Assembly and Senate Health Committee and Budget Subcommittees on Restructuring Behavioral Health in California**

February 21 Joint Hearing Participants



During the hearing:

- Administration presented the Governor's vision for reorganizing behavioral health
- Stakeholders responded to the proposals, and
- Legislators offered their comments.

February 21 Joint Hearing Participants cont.



Participants included (in agenda order):

- CA Health and Human Services Agency
- Department of Health Care Services
- Mental Health Services Oversight and Accountability Commission
- Department of Public Health
- Department of Social Services
- Office of Statewide Health, Planning & Development
- Department of Alcohol and Drug Programs
- CA Mental Health Director Association
- County Alcohol and Drug Program Administrators Assn of CA
- CA Council of Community Mental Health Agencies
- Disability Rights California
- Consumer Advocate
- CA Coalition for Whole Health
- CA Opioid Maintenance Providers
- CA Assn of Alcohol and Drug Program Executives

February 21 Joint Hearing Themes



Major themes to emerge from the hearing:

- Will there be cost savings?
- Will this improve care?
- How will stakeholders be involved?
- What's the role of state oversight?
- How much change should be done through the budget process vs. the policy process?

SB 1136 (Steinberg)



Senate President pro Tem Darrell Steinberg introduced legislation

- Signals his intent to amend Prop 63 and other mental health statutes
- Currently a spot bill, details are being developed
- Touches on almost all the same sections of statute the Governor's trailer bill language
- Proposes to amend the Community Mental Health Services Division of the Welfare and Institutions Code - both technical and policy changes in these areas:
 - Lanterman-Petris-Short Act
 - Bronzan-McCorquodale Act
 - Adult and Older Adult Mental Health System of Care
 - Children's Mental Health Services Act
 - Mental Health Services Fund
 - The Department of Mental Health

MHSOAC Principles



The MHSOAC built its positions on:

- The Mental Health Services Act (MHSA)
- “Policy Paper: Accountability through Evaluation Efforts Focusing on Oversight, Accountability and Evaluation,” adopted by MHSOAC in November 2011
- “MHSOAC Principles Regarding Governor’s Proposed FY 2011-12 Budget Impact on MHSA,” adopted February 2011
- “AB 100 Workgroup Report,” adopted in May 2011
- “Principles to Achieve Oversight and Accountability in a Changing Mental Health Services Environment,” adopted in July 2011

MHSOAC Principles cont.



MHSOAC Principles center around:

- Use of MHSA funds must further the Act
- Ongoing evaluation
- Fiscal oversight of MHSA expenditures
- Reducing stigma/discrimination & disparities
- Overseeing training & technical assistance
- More effective means of county compliance
- Ensure participation

AB 100 Work Group Agreements



On May 26, 2011, the MHSOAC adopted the following AB 100 Work Group priorities with accompanying recommendations:

1. Identify who is the “state”
2. Clarify the new MHSA fund distribution method
3. Identify a mechanism to assure county compliance with MHSA values to replace state level review and approval of county plans
4. Identify who is in charge of performance outcomes
5. Identify a process to ensure the collecting and reporting of comparative outcomes data and evaluation results
6. Determine how to ensure that WET funds are protected

AB 100 Work Group Agreements cont.



7. Identify a process by which higher performing counties can assist lower performing counties
8. Clarify the role and purpose of the Performance Contract
9. Clarify the relationship between regulations/ guidelines/ plans and moving to an integrated 3-year plan with outcomes
10. Identify an effective local process which assures that counties will meaningfully consider stakeholder input
11. Identify an effective process to make sure county plans comply with the law
12. Define the MHSOAC's role in technical assistance to counties

Comparison of Governor's Proposal with MHSOAC Principles & AB 100 WG Agreements



Use of MHSA Funds

Proposal:

Budget and TBL propose that MHSA funds be used for MHSA purposes.

AB 100 WG / Principles:

Keeps with OAC Budget principles (Use of MHSA funds must further the purpose and intent of the Act).

Possible Next Steps:

None

Comparison of Governor's Proposal with MHSOAC Principles & AB 100 WG Agreements

Allocation of MHSA Funds

Proposal:

Per AB 100, effective July 1, 2012, the SCO releases MHSA funds on a monthly basis directly to counties. Governor's proposal eliminates the statutes used for the process of determining what proportion goes to each county, erasing a state process and MHSOAC's role in that process. Does not describe a new process for determining the proportion of funds. WIC 5847 (e) & 5892 (3)

AB 100 WG / Principles:

Contrary to AB 100 WG priorities #2 (Clarify the new MHSA fund distribution method) and MHSOAC Expenditures principles (AB 100 did not change the Commission's responsibility in determining the funding amounts for services).

Possible Next Steps:

Should the MHSOAC seek a process for determining the proportion of funds?

Comparison of Governor's Proposal with MHSOAC Principles & AB 100 WG Agreements



Reserved MHSA Funds

Proposal:

Legislatively allocates and sets aside \$60 million to administer the reducing disparities project (RDP). WIC 5892 (e)

AB 100 WG / Principles:

Reserving the funds is in alignment with recommendation within AB 100 WG priority #2 (reserve funding for RDP).

Possible Next Steps:

- Note: Under this proposal MHSA funds are set aside at the state level, so state would administer the program, not the counties.
- MHSOAC may want to support WET program funds being reserved as well per AB 100 WG priority #6 (determine how to ensure WET funds are protected).

Comparison of Governor's Proposal with MHSOAC Principles & AB 100 WG Agreements



MHSA State Admin Fund

Proposal:

Adds “any other state agency” to organizations that may be funded by the MHSA. WIC 5892(d)

AB 100 WG / Principles:

Competes with current statute, which currently names only three state organizations for funding.

Possible Next Steps:

Should MHSOAC seek funding for evaluation and Commission activities before other state departments not named by voters are funded?

Comparison of Governor's Proposal with MHSOAC Principles & AB 100 WG Agreements



Plan Approval

Proposal:

County Boards of Supervisors must approve CSS, PEI, and INN plans. WIC 5847 (a)

AB 100 WG / Principles:

Principles and Agreements did not address this.

Possible Next Steps:

None

Comparison of Governor's Proposal with MHSOAC Principles & AB 100 WG Agreements

Plan Submission

Proposal:

After adoption, counties would be required to submit their plans to the MHSOAC. WIC 5847 (a)

AB 100 WG / Principles:

Principles and Agreements did not address this.

Possible Next Steps:

Should counties also be required to submit annual updates to the plans to support the Commission's evaluation efforts?

Comparison of Governor's Proposal with MHSOAC Principles & AB 100 WG Agreements

PEI Design

Proposal:

Counties will establish a program designed to prevent mental illness from becoming severe and disabling, instead of the state.
WIC 5840 (a)

AB 100 WG / Principles:

Principles and Agreements did not address this.

Possible Next Steps:

Should continuous quality improvement be accomplished by ensuring program design is based on outcomes obtained from evaluations?

Comparison of Governor's Proposal with MHSOAC Principles & AB 100 WG Agreements

Performance Contracts

Proposal:

Deletes Performance Contracts.
WIC 5650, 5651, 5666, 5750.1, &
5897 (c)

AB 100 WG / Principles:

Contrary to AB 100 WG priorities #3 (Identify a mechanism to assure county compliance), #8 (Clarify the role and purpose of the performance contract), #10 (Identify an effective local process which assures that counties will meaningfully consider stakeholder input), #11 (Identify an effective process to make sure county plans comply with the law), and MHSOAC County Performance principles.

Possible Next Steps:

Should there be a mechanism to ensure that the MHSA is implemented and maintained in accordance with the Act?

Comparison of Governor's Proposal with MHSOAC Principles & AB 100 WG Agreements

Compliance

Proposal:

Deletes the state's ability to request a corrective action plan from a county that is not in compliance with its Performance Contract. WIC 5897 (d) & 5847 (c)

AB 100 WG / Principles:

Contrary to AB 100 WG priorities #3 (Identify a mechanism to assure county compliance), #8 (Clarify the role and purpose of the performance contract), #10 (Identify an effective local process which assures that counties will meaningfully consider stakeholder input), #11 (Identify an effective process to make sure county plans comply with the law), and MHSOAC County Performance principles.

Possible Next Steps:

Should there be a mechanism to address noncompliance with the Act?

Comparison of Governor's Proposal with MHSOAC Principles & AB 100 WG Agreements

Guidelines

Proposal:

Deletes authority to write guidelines, including the MHSOAC's ability to write guidelines for PEI and INN, including the RDP. WIC 5846 (a)

AB 100 WG / Principles:

Not consistent with recommendations in AB 100 WG priority #9 (Clarify the relationship between regulations/guidelines/ plans) that the MHSOAC have a stronger role in policy making by concurring with state regulations.

Possible Next Steps:

- Identify a role for the MHSOAC in policy making.
- Should the Commission continue to develop RDP guidelines?

Other Issues



The MHSA named three compliance tools:

- Plan Review (eliminated by AB 100)
- Performance Contracts (proposed for elimination)
- MHSAOAC (relied on the other two as tools)

AB 100 intended that the state in consultation with the MHSAOAC establish a more effective means of ensuring that county performance complies with the MHSA. The Governor does not specify how this will be done.

Issue: AB 100 was signed in to law March 2011. Should the MHSAOAC seek to advance this issue?

Other Issues



Evaluation

- AB 100 WG Priority #4 (Identify who is in charge of performance outcomes) reinforces MHSOAC's role in evaluation.
- Governor restated MHSOAC's role in his budget and in TBL.
- WIC 5845(d)(6) states the MHSOAC may obtain data and information from state or local entities that receive MHSA funds for use in our oversight, review and evaluation capacity.
- There are no consequences for a state or local entity that does not provide the needed data or information.

Issues: Should the MHSOAC seek to address this issue?

Summary of Issues



- Should the MHSOAC seek a process for determining the proportion of funds?
- MHSOAC may want to support WET program funds being reserved as well per AB 100 WG priority #6 (determine how to ensure WET funds are protected).
- Should MHSOAC seek funding for evaluation and Commission activities before other state departments not named by voters are funded?
- Should counties also be required to submit annual updates to the plans to support the Commission's evaluation efforts?
- Should continuous quality improvement be accomplished by ensuring program design is based on outcomes obtained from evaluations?
- Should there be a mechanism to ensure that the MHSA is implemented and maintained in accordance with the Act?
- Should there be a mechanism to address noncompliance with the Act?
- Identify a role for the MHSOAC in policy making.
- Should the Commission continue to develop RDP guidelines?
- Should the MHSOAC seek to advance the issue of ensuring county performance complies with the MHSA?
- Should the MHSOAC seek to address the issue that there are no consequences for an entity that does not provide data or information?