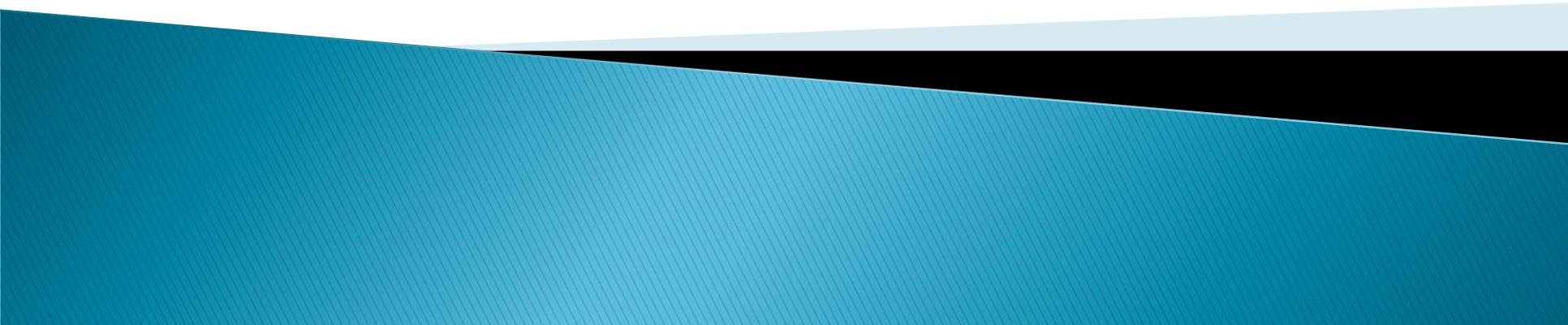


**Proposed PEI Regulations:
Response to
Public Comment
(Sections 3705–3740)**

MHSOAC

August 28, 2014



Order of Presentation

- ▶ Brief background
- ▶ Process and timeline for adopting the proposed PEI regulations
- ▶ Structure of Commission discussion
- ▶ Summary of staff's suggested changes to proposed PEI regulations §§ 3705–3740
- ▶ Proposed motion on suggested changes
- ▶ Staff's suggested rejections of changes proposed by public comments to proposed PEI regulations §§ 3705–3740
- ▶ Proposed motion on suggested rejections

Brief Background

- ▶ November 21, 2013: MHSOAC adopted “Proposed” PEI Regulations
- ▶ May 22, 2014: MHSOAC reviewed non-substantive changes to Proposed PEI Regulations
- ▶ June 6, 2014: official “regulatory process” began
- ▶ July 24, 2014: MHSOAC held public hearing on Proposed PEI Regulations and 45-day Public comment period closed

Process and Timeline

- ▶ August 28, 2014: Commission votes to adopt Proposed PEI Regulations §§3705–3740 or to make changes
- ▶ September 30, 2014: Commission votes to adopt Proposed PEI Regulations sections not addressed at August 28th meeting or to make changes
- ▶ October 23, 2014: If needed, Commission votes to adopt Proposed PEI Regulations sections not addressed at September 30th meeting or to make changes
- ▶ Changes to Proposed PEI Regulations require 15–day public comment period
- ▶ November 20 or December 18, 2014: If changes were made in September or October, the Commission votes to adopt the regulations as changed

Process and Timeline (Cont.)

- ▶ Upon MHSOAC adoption of PEI Regulations:
 - The “rulemaking file” is submitted to Office of Administrative Law
 - “Rulemaking file”: Adopted regulations; Initial Statement of Reasons; Resources relied upon; Public comments; Responses to public comments; all 15-day notices; and Final Statement of Reasons
 - Office of Administrative Law has 30 days to determine if Administrative Procedure Act satisfied
- ▶ December 2014 or January 2015 estimated time for submitting rulemaking file to Office of Administrative Law

Structure of Discussion

- ▶ Consider staff's suggested changes to Proposed Regulations §§3705–3740
 - Commissioner questions on suggested changes
 - Commission motion regarding suggested changes
 - Public comment on the motion
 - Commissioner discussion on the motion and vote
- ▶ Consider staff's suggested rejections of public comments
 - Same process as above

Summary of Suggested Changes to Proposed PEI Regulations §§ 3705–3740

19 Staff Suggested Changes

- ▶ 3 new definitions
 - 3701; 3702; 3719(c)(1)
- ▶ 2 substantive changes
 - 3705/3720; 3715(f)
- ▶ 14 non-substantive changes: clarify language, add additional examples and cross-references

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
<p>New Section 3701(a) (placeholder)</p> <p>The definition is limited to PEI</p>	<p>Definition of “program” to mean organized and planned work, action, or approach that evidence indicates is likely to bring about mental health outcomes either for individuals and families with or at risk of serious mental illness or for the mental health system. A program is a stand-alone, discreet unit of service delivery.</p>	<ul style="list-style-type: none"> • The MHSA in §5840 refers to PEI Programs, a program, the program, mental health programs, and program elements. • Because of this internal inconsistency, as well as inconsistency with the common meaning of “a program” in the field of mental health, it is essential to define the term in the PEI Regulations as a discreet unit of service delivery.

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
<p data-bbox="98 446 369 539">New 3702(a) (placeholder)</p> <p data-bbox="98 596 440 689">The definition is limited to PEI.</p>	<p data-bbox="488 446 880 846">Definition of “strategy” to mean a planned and specified method within a program intended to achieve a defined goal.</p>	<ul data-bbox="917 446 1846 1253" style="list-style-type: none"><li data-bbox="917 446 1846 611">• The structure of the MHSA and the proposed regulations creates a need to differentiate “strategy” from “program”<li data-bbox="917 632 1846 1253">• The term “strategy” is used in the proposed regulations to refer to methods by which counties implement MHSA requirements for improving timely access to services for underserved populations, increasing access to treatment for individuals with a severe mental illness, and reducing mental illness–related stigma and discrimination by requiring these strategies for all PEI programs

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
<p>3705(a)(c) Add new subsections (3) & (3)(A)</p> <p>Delete 3705 (b)(1)</p> <p>Amend 3720(a) may shall</p>	<p>3705(a)(3): Require at least one Prevention Program</p> <p>3705(a)(3)(A): Small counties are excluded from the requirement to offer a Prevention Program.</p>	<ul style="list-style-type: none"> • Extensive research evidence demonstrates that intervening at the point of risk can often prevent a serious mental illness from developing and, if the mental illness develops, can prevent many severe and disabling consequences. • The rationale for exempting small counties from the requirement to offer a Prevention Program is that because of their small population, requiring a Prevention Program in addition to the MHSA–mandated Early Intervention Program might not be as effective or dilute their efforts. • Legally permissible

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
3705(b)(2); 3725; 3730	Delete the term “Approach” from the name “Program/Approach”	<ul style="list-style-type: none">• This change conforms to the new proposed definition of a “program” which includes the concept of “approach.”

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
<p>Revise 3710(b)</p> <p>Delete 3710(e)</p>	<p>3710(b): Add “ including relapse prevention” to the definition of Early Intervention Program</p> <p>3710(b): Correct reference to W&I Code section 5840(d) by adding “may” which is in 5840(d)</p> <p>Delete 3710(e): may include efforts to prevent relapse</p>	<ul style="list-style-type: none"> • In response to numerous comments expressing concern that the priority of relapse prevention is not sufficiently clear, in Proposed PEI Regulations staff recommends the addition of the phrase “including relapse prevention” to the definition of an Early Intervention Program. • Additional language eliminates the need for subdivision (e) • The addition of the word “may” corrects a proofreading error for consistency with 5840(d).

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
Add new 3710(c)(1)	Add the definition of a “serious mental illness or emotional disturbance with psychotic features”	<ul style="list-style-type: none">• The definition, from the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition, is necessary to provide a common definition of and frame of reference for “a serious mental illness or emotional disturbance with psychotic features.”

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
Add new 3710(f), and 3720(f)	A County may combine an Early Intervention Program with a Prevention Program, as long as the requirements for both programs are met.	<ul style="list-style-type: none">• Proposed Regulations instruct counties to report expenditures separately for a combined Prevention and Early Intervention Program (3735(l)(2)), but do not specifically authorize counties to offer a combined program.• This provision corrects this inconsistency and clarifies that all separate requirements for each program type apply to a combined Prevention and Early Intervention Program.

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
New sub-sections: 3710(g), 3715(g), 3720(f), 3725(c), and 3730(d)	All programs in these sections shall include all of the strategies listed in 3735.	<ul style="list-style-type: none">• Proposed regulations require all programs listed in Sections 3710 – 3730 to include all the strategies listed in 3735.• This additional cross reference is needed for clarification in response to some public comments that indicated confusion about the requirement for all PEI programs

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
3715(c)	Add “visiting nurses, family law practitioners such as mediators, and child protective services” to list of examples of people well positioned to respond to early signs and symptoms of potentially severe and disabling mental illness.	<ul style="list-style-type: none">• These suggested additions to the list of examples of potential responders are relevant and useful.

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
3715, add new (f)	Outreach, for this purpose, may be provided through other Mental Health Services Act components as long as it meets all MHSa 5840(b)(1) and Proposed Regulations 3715 requirements.	<ul style="list-style-type: none">• Possible advantage is that it provides flexibility to counties who could consider other MHSa funds expended for the purpose of outreach to increase recognition of early signs of potentially severe mental illness as fulfilling the requirement for inclusion in the PEI component if all PEI requirements are met.• Possible disadvantage is that it can cause confusion for counties and stakeholders.

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
3720(e)(1)	Clarify the definition of Universal Prevention	<ul style="list-style-type: none">• Previous language in 3720(e)(1) was not sufficiently clear. New language clarifies that 3720(e)(1) is consistent with 3720 and reflects the limited instances in which universal prevention is permitted.

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
3725(b)(1)	Add language to clarify that the example of “multiple stigmas” refers to “those that have been shown to discourage individuals from seeking mental health services”	<ul style="list-style-type: none">• Suggested additional language ties examples more closely to MHSA purpose for stigma and discrimination reduction programs.

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
Add new 3725(b)(2)	Stigma and discrimination programs must include approaches that are culturally congruent with the values of the populations for whom changes in attitudes, knowledge, and behavior are intended.	<ul style="list-style-type: none">• Since cultural groups have varying beliefs, values, and attitudes regarding mental illness and about seeking mental health services, culturally and linguistically appropriate approaches are particularly important in programs to reduce mental illness–related stigma and discrimination.• This reinforces the cultural competency requirement of the MHSA and reinforces the requirement of effectiveness in proposed 3740.

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
3730(c)	Add “survivor–informed models” to list of examples of Suicide Prevention Programs	<ul style="list-style-type: none">• Suggested additional example is relevant, useful, and consistent with the client–driven general standard in MHA regulations (§§3320 and 3200.050).
3735(a)(2)(C)	Add “shelters” to list of examples of settings that might increase timely access to mental health services for underserved populations	<ul style="list-style-type: none">• Suggested additional example is relevant and useful

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
3735(a)(1) (B)	<p>Access and Linkage to Treatment can be a stand-alone program, an element of a Prevention program or an element of an Early Intervention program, or a combination thereof. A County has the option to offer, in addition, a Program to Increase Access and Linkage to Treatment.</p>	<ul style="list-style-type: none">• The purpose of the suggested change is to clarify that the County is required to provide Access and Linkage to Treatment for individuals with a severe mental illness for all PEI Programs, and has the additional option to offer a Program for this purpose.• The original language was insufficiently clear about this requirement and option.

Suggested Changes to Proposed PEI Regulations

Section	Suggested Change	Rationale
3735(a)(2) Add new subsection (D)	A County has the option to offer, in addition, a Program to Improve Timely Access to Services for Underserved Populations	<ul style="list-style-type: none"> • Consistent with the other required strategies listed in 3735, offering a program to Increase Timely Access to Services for Underserved Populations is a viable and useful additional option for Counties.
3735(a)(3) (B)	Add word, “factual” to modify “messages” and the word, “practices” to the list of culturally appropriate language and concepts.	<ul style="list-style-type: none"> • Additional examples of non-stigmatizing and non-discriminatory approaches are useful and relevant.

Proposed Motion

The Commission adopts Staff's suggested changes to Proposed Prevention and Early Intervention Regulations Sections 3705 through 3740.

Staff's Suggested Rejections of Changes Proposed by Public Comments to Sections 3705–3740

- ▶ Matrix of Public Comments with Staff's Suggested Responses
 - 152–page matrix sent to Commissioners and posted on the MHSOAC website contains the public comments verbatim
- ▶ Commissioner questions?

Proposed Motion

The Commission adopts Staff's rejections of public comments to Proposed Prevention and Early Intervention Regulations Sections 3705 through 3740 as set forth in the, "Matrix of Public Comments with Staff's Suggested Responses".