

DRAFT

AB 5xxx
MHSOAC Policy/Operational Independence
(Separate and Apart from DMH)

July 23, 2009 MHSOAC meeting
Tab 2

FUNCTION	AUTHORITY	CONSIDERATIONS/IMPLICATIONS
Plan Review	<ul style="list-style-type: none">• Review PEI and Innovation (INN) per W&I §5846(a)	<ul style="list-style-type: none">• 60-day time line for putting PEI and INN Plans on Commission agenda per W&I §5846(b)
Contracts	<ul style="list-style-type: none">• Authority to enter into contracts per W&I §5845(d)(5) as amended by AB 5xxx	
Human Resources	<ul style="list-style-type: none">• Authority to employ staff per W&I §5845(d)(2)	
Issue Reports	<ul style="list-style-type: none">• Authority to issue reports including reports to the Governor and Legislature per W&I §5845(d)(9)	
Legal	<ul style="list-style-type: none">• In-house legal counsel separate from DMH legal department to provide independent legal opinions to MHSOAC	

FUNCTION	AUTHORITY	CONSIDERATIONS/IMPLICATIONS
Legislation	<ul style="list-style-type: none"> • Authority similar to other independent commissions to propose, take position, and testify 	<ul style="list-style-type: none"> • Would need to establish platform and procedures for monitoring legislation • Would need to establish procedures to deal with possible differences between MHSOAC and Administration positions
Budgets	<ul style="list-style-type: none"> • Operations separate and apart from DMH per W&I §5845(d)(2) as amended by AB 5xxx • BCPs and BCCs submitted directly to Agency • In process of obtaining separate organization code from Department of Finance 	<ul style="list-style-type: none"> • Tension between Bagley-Keene Open Meeting Act and the sensitive state budget process
Issue Guidelines	<ul style="list-style-type: none"> • Authority to issue guidelines for expenditures for PEI and INN per W&I §5846(c) as amended by AB 5xxx 	<ul style="list-style-type: none"> • Need consistency with previous guidelines issued by DMH • Need for DMH to collaborate with MHSOAC in DMH's drafting of PEI and INN regulations
Issue Regulations	<ul style="list-style-type: none"> • No authority to issue regulations for PEI and INN • Legislation required to give the MHSOAC regulatory authority 	<ul style="list-style-type: none"> • Not having regulatory authority seems inconsistent with MHSOAC authority to issue guidelines for PEI and INN and may be problematic to have one entity issue guidelines and a separate entity issue regulations • Need for DMH to collaborate with MHSOAC in DMH's drafting of PEI and INN regulations

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