

INFORMATION

TAB SECTION: 4

 X ACTION REQUIRED

DATE OF MEETING: 11/18/10

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DATE MATERIAL PREPARED: 11/09/10

AGENDA ITEM: Priority 1: Fund and Execute All Mental Health Services Act (MHSA) Components

- **Adopt Comments to Proposed Regulations for MHSA Prevention and Early Intervention**
- **Adopt Comments to Proposed Regulation for MHSA Capital Facilities Outlay**

ENCLOSURES:

- Initial Statement of Reasons for Proposed Regulations Regarding Prevention and Early Intervention
- Proposed Regulations for Prevention and Early Intervention
- Draft Transmittal Letter to Department of Mental Health
- Chart with Recommended Changes and Rationale to the proposed Prevention and Early Intervention Regulations
- Initial Statement of Reasons for Proposed Regulations Regarding MHSA Capital Facilities Outlay
- Proposed Regulations for MHSA Capital Facilities Outlay
- Draft Letter to Department of Mental Health providing comments on the Capital Facilities Outlay Proposed Regulations

OTHER MATERIAL RELATED TO ITEM: A PowerPoint presentation of the recommendations will be provided at the meeting.

Issue:

- The Mental Health Services Oversight and Accountability Commission (MHSOAC) Services Committee was charged with the task of seeking stakeholder input and developing recommendations for the Commission regarding the Prevention and Early Intervention (PEI) Regulations. Regulations will provide direction to counties regarding their local Mental Health Services Act (MHSA) PEI Plans and will identify the allowable uses of PEI funds. The regulations will also identify content requirements for MHSA plans and submission procedures.
- The MHSOAC Staff reviewed the MHSA Capital Facilities Outlay Proposed Regulations and drafted a comment letter to the Department of Mental Health (DMH).
- Due to the limited time available and the MHSOAC limited role in the MHSA Capital Facilities Outlay component, the Capital Facilities Outlay Regulations did not go to the Services Committee.

Background:

PEI Proposed Regulations

- On October 7, 2010, DMH released the Notice of Proposed Rulemaking MHSA PEI for the required 45 day public review process.
- Comments are due to DMH on or before November 23, 2010.
- At the October 25, 2010 and November 1, 2010 Services Committee meetings, the Committee reviewed and discussed the policy recommendations relating to the proposed PEI regulations.
- The draft recommendations to DMH on the proposed PEI regulations will be presented to the Commission at the November 18, 2010 meeting for a vote and are summarized in the chart enclosed with this tab section.
- Recommended changes will not address concerns expressed by counties that regulations for each MHSA component results in more complex planning and reporting by counties. MHSOAC staff believes that an Integrated Plan is the venue for consolidating components and revisions to regulations and will need to be addressed at that time.
- Recommended changes to the PEI regulations fall into two categories: Clarification and Policy. All recommended changes set forth in the enclosed chart include rationale for the recommendation.
- Recommended clarification changes address small modifications that clarify intent, streamline reporting, and/or are based on prior MHSOAC actions. The enclosed chart includes numerous recommendations for clarification changes and the rationale for each.
- Recommended policy changes are in the chart with the rationale for each recommendation. A summary of the policy issues are set forth below:
 - Three policy changes are recommendations on reporting outcomes:
 - Allow the initial requirement to conduct a local outcome evaluation of one PEI program to sunset after the initial report and to allow five years from date of initial funding for counties to report on the outcomes from the selected program. (See section 3515(a))
 - Require reporting on at least two measurable outcomes for each PEI program by 2013 and every three years thereafter. (See section 3570)
 - Provide for no very small county (less than 100,000) exemption for reporting PEI outcomes beginning in 2013. (See section 3570)

- Four policy changes are recommendations relating to the Community Planning Process (CPP):
 - Relieve counties from conducting additional annual PEI community program planning unless the county is creating a new PEI program, substantially modifying a PEI program or eliminating a PEI program. (See section 3900.1)
 - Require counties to document mandated participation in CPP and eliminate the option to explain why the county could not provide evidence of successful community engagement in planning. (See section 3900.1(a)(2)(E))
 - Strengthen the language to indicate that CPP is driven by data and community input. (See section 3900.1(a)(4), (a)(5), (a)(6), and (a)(7))
 - Consistent with the outcomes-based model for PEI, require counties to document community input in determining intended outcomes data and the methods used to measure these outcomes so that the community is making informed input during CPP. (See section 3900.1(a)(4), (a)(5), (a)(6), and (a)(7))
- One policy change is a recommendation relating to Early Intervention:
 - Clarify that early intervention is not limited to preventing the development of a mental disorder for people who do not meet the criteria for having a mental disorder but also includes brief treatment for actual mental health disorders early in their emergence or identification. (See section 3920(c))
- One policy change is a recommendation relating to general PEI program requirements:
 - Adds a requirement that PEI programs should include only activities that are either: 1) evidence-based practices; 2) promising practices; or 3) locally proven practices and use a methodology to demonstrate outcomes and advance PEI program improvement and learning. (See section 3920)

MHSA Capital Facilities Outlay Proposed Regulations

- On October 15, 2010, DMH released the Notice of Proposed Rulemaking for MHSA Capital Facilities Outlay for the required 45 day public review process
- Comments are due to DMH on or before December 6, 2010
- Draft comments and recommendations to DMH on the Proposed Regulations for Capital Facilities Outlay will be presented to the MHSOAC at the November 18, 2010 meeting for a vote.

- Capital Facilities is the component under which the County acquires and develops land and/or constructs or renovates building(s) in which MHSA administrative activities, services and/or supports are provided. Welfare and Institutions Code section 5892(a)(1) and (2) require that a portion of MHSA monies be set aside for Capital Facilities and Technological Needs. The proposed regulations address only Capital Facilities.
- Draft comments and recommendations to DMH are set forth in the enclosed draft letter to DMH.
- Policy Issues addressed in the comments to DMH:
 - The MHSOAC seeks clarification in the proposed regulations on allowing an exemption from rent for vocational services which are provided in a Capital Facility as long as the vocational services are part of the mental health services being provided at the site.
 - The Commission noted the absence of prevailing wage requirements in the list of federal and state laws and requests that the following be added to the list, “prevailing wage requirements, if applicable”.

Proposed Motions:

- 1. The Commission adopts the draft chart providing public comment to the DMH from the MHSOAC on the proposed regulations for Prevention and Early Intervention.**

- 2. The Commission adopts the draft letter providing public comment to the DMH from the MHSOAC on the proposed regulations for Capital Facilities Outlay.**