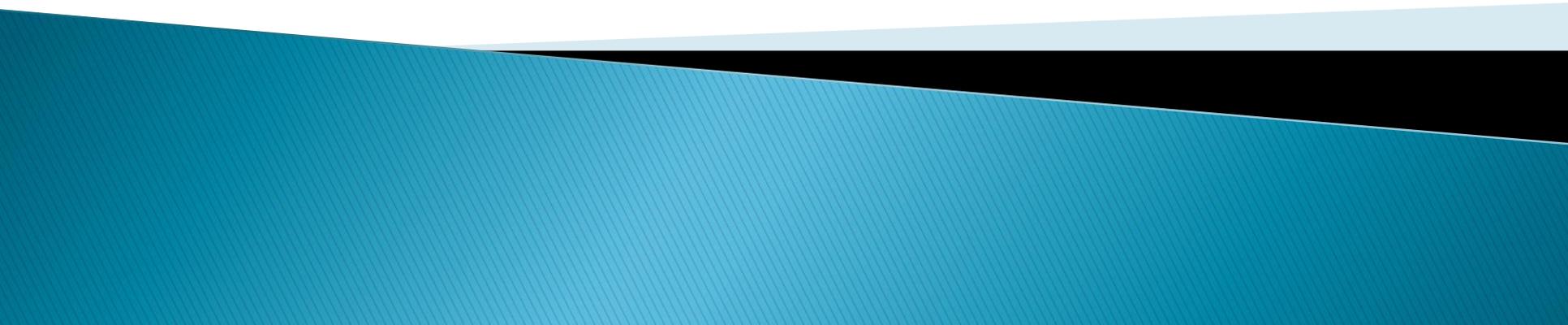


Proposed PEI Regulations: Response to Public Comments

(Sections 3200.245, 3200.246,
3510.010, 3745, 3755, and 3755.010)

MHSOAC

September 30, 2014



Order of Presentation

- ▶ Brief background
- ▶ Process and timeline for adopting the proposed Prevention and Early Intervention (PEI) regulations
- ▶ Structure of Commission discussion
- ▶ Summary of staff's suggested changes to specific proposed PEI regulations sections
- ▶ Proposed motion on suggested changes
- ▶ Staff's suggested rejections of changes proposed by public comments to specific proposed PEI regulations sections
- ▶ Proposed motion on suggested rejections

Brief Background

- ▶ Nov 21, 2013: Mental Health Services Oversight and Accountability Commission (MHSOAC) adopted “Proposed” PEI Regulations
- ▶ June 6, 2014: “regulatory process” began
- ▶ July 24, 2014: MHSOAC held public hearing on Proposed PEI Regulations and 45-day Public comment period closed
- ▶ Aug 28, 2014: MHSOAC considered public comments on PEI Regulations §§3705–3740
 - Voted to change language
 - 15-day public comment period 9/9/14 – 9/26/14

Process and Timeline

- ▶ Sept 30, 2014:
 - General definitions;
 - Annual Revenue and Expenditure Report;
 - PEI part of the Three-Year Plan; and
 - Changed PEI program;
 - 51% of PEI funds for children and youth
- ▶ Oct 23, 2014:
 - Sections not addressed at Aug 28th or Sept 30th MHSOAC meetings
- ▶ Nov 20, 2014:
 - Comments received during 15-day public comment periods on the changes made at Aug/Sept MHSOAC meetings
- ▶ Dec 18, 2014:
 - Comments received during 15-day public comment period for any changes made at Oct 23rd MHSOAC meeting

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 is satisfied
- ▶ February 2015 estimated time for submitting rulemaking file to Office of Administrative Law

Structure of Discussion

- ▶ Consider staff's suggested changes to Specific Proposed Regulations
 - 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

22 Suggested Changes

- ▶ 2 new definitions
 - “mental illness”; and “serious/severe mental illness”
- ▶ 5 substantive changes
 - New §3706 (51% of PEI funds for children/youth);
 - Annual Revenue and Expenditure Report – §3510.010(a)
 - Changed Program – §3745(a)
 - Three-Year Plan – §3755(c)(5)(B), (d)(5)(B), (f)(4)(B), (g)(4)(B); and
 - Three-Year Plan – §3755(h)(6)
- ▶ 14 non-substantive changes: clarify language, add additional examples and cross-references

Suggested Changes

Section topic: Annual Revenue and Expenditure Report	Rationale
3510.010(a)(1) (Page 1 of Regs)	<ul style="list-style-type: none">• Adding language: Adding “prior fiscal year” clarifies the reporting period for the annual Revenue and Expenditure Report•Deleting “strategy”: Requiring counties to report funds expended on each “strategy” is likely to impose an unacceptable burden on counties because “strategy” as defined is not a separate program but is a planned and specified method within a program intended to achieve a defined goal

Suggested Changes

Section topic: Annual Revenue and Expenditure Report	Rationale
3510.010(a)(1)(A)(i) (Page 1 of Regs)	<ul style="list-style-type: none">• Deleting “approach:” This change conforms with the new adopted (8/28/14) definition of “program” which includes “approach.”• Adding 2 programs to expenditure reporting: Counties required to report expenditures of PEI funds for all but two stand alone programs. This change adds the two programs to the list. Only applicable if the county decides to offer either as a stand alone. This change would treat all programs the same.

Suggested Changes

New Sections (Page 2 of Regs)	Rationale
<ul style="list-style-type: none">•Add new section 3703 that defines “mental illness”•Add new section 3704 that defines “serious mental illness” and “severe mental illness”	<ul style="list-style-type: none">•Definition of “mental illness”: This definition is from the DSM-5•Definition of “serious/severe mental illness”: This definition is from Welfare and Institutions Code section 5600.3

Suggested Changes

New Section (Page 3 of Regs)	Rationale for Supporting
<p>Add new section 3706</p> <ul style="list-style-type: none">•Require all ages to be served•Require 51% of PEI funds to be used to serve children/youth•Exclude “Small” Counties from these two requirements	<ul style="list-style-type: none">• <u>All ages</u>: PEI programs are important and viable to bring about Mental Health Services Act outcomes for individuals across the lifespan who are at greater than average risk of developing serious mental illness.• <u>51% children/youth</u>: Half of all lifetime cases of diagnosable mental illnesses begin by age 14, and three-fourths by age 24.• <u>Small County exemption</u>: Counties with less than 200,000 need more flexibility in how to direct limited PEI funds among populations that are frequently less diverse.

Suggested Changes

New Section (Page 3 of Regs)	Rationale for Not Supporting
<p>Add new section 3706</p> <ul style="list-style-type: none">•Require all ages to be served•Require 51% of PEI funds to be used to serve children/youth•Exclude “Small” Counties from these two requirements	<ul style="list-style-type: none">• <u>All ages</u>: Limits county and local stakeholder flexibility to decide based on local priorities and disperse efforts to populations in greatest need.• <u>51% children/youth</u>: Limits county and local stakeholder flexibility to decide based on local priorities and disperse efforts to populations in greatest need.• <u>Small County exemption</u>: The benefits of the two requirements should be extended to individuals in all counties.

Suggested Changes

Section topic: Changed Program	Rationale
Section 3745 (Page 3 of Regs)	<ul style="list-style-type: none">•Clarifying definition of “substantial change”: Moved the current definition from subdivision (a) to a new and separate subdivision (b) and clarified the language•Adding stakeholder involvement: This language was added to more fully comply with the requirement in WIC §5848 that counties demonstrate meaningful stakeholder involvement throughout the planning, implementation, monitoring, quality improvement, evaluation, and budget

Suggested Changes

Section topic Three-Year Plan	Rationale
<p>Section 3755(c) (Description of Early Intervention programs) (Pages 4 and 5 of Regs)</p>	<ul style="list-style-type: none">• (c)(1): Requiring name of program• (c)(2)(A): Replacing LGBTQ with “Sexual orientation” is needed for consistency with other regulations and to provide counties flexibility to define target populations.• (c)(4)(A): Adding “mental” is needed to clarify that “indicators” of prolonged suffering are “mental health indicators”• (c)(5)(A): Correcting proofreading errors• (c)(5)(B): Adding the requirement that counties ensure fidelity to community and or practice-based standards is needed to be consistent with the same requirement to ensure fidelity to evidence-based and promising practice standards.• (c)(5)(B): Adding “applicable” to clarify that not all MHSA outcomes are applicable to all programs.

Suggested Changes

Section Three-Year Plan	Rationale
<p>Section 3755(d) (Description of Prevention programs) (Pages 5 and 6 of Regs)</p>	<ul style="list-style-type: none">• (d)(1): Requiring name of program:• (d)(2)(A) and (B): Added needed clarification to existing language• (d)(4)(A): Adding “mental” is needed to clarify that “indicators” of prolonged suffering are “mental health indicators”• (d)(5)(A): Correcting proofreading errors• (d)(5)(B) Adding the requirement that counties ensure fidelity to community and or practice base standards is needed to be consistent with same requirement to ensure fidelity to evidence-based and promising practice standards.• (d)(5)(B): Adding “applicable” to clarify that not all MHSA outcomes are applicable to all programs.

Suggested Changes

Section Three-Year Plan	Rationale
Section 3755(e) (Description of Outreach for Increasing Recognition of Early Signs of Mental Illness programs or strategy) (Page 6 of Regs)	<ul style="list-style-type: none">• (e)(1): Requiring name of program:• (e)(2)(A): Grammatical correction for clarity because more than one responder can be based in more than one setting

Suggested Changes

Section Three-Year Plan	Rationale
Section 3755(f) (Description of Stigma and Discrimination Reduction programs) (Page 7 of Regs)	<ul style="list-style-type: none">• (f)(1): Requiring name of program:• (f)(2): Replacing “campaign” with “program to conform with new approved (8/28/14) definition of “program”• (f)(4)(A): Adding brief description/reference to relevant evidence of the evidence-based or promising practice standard to be consistent with the same requirement for other programs because both are applicable to this section.•(f)(4)(B): Adding the requirement that counties ensure fidelity to community and or practice-based standards is needed to be consistent with the same requirement to ensure fidelity to evidence-based and promising practice standards.• (f)(5)(B): Adding “applicable” to clarify that not all MHSA outcomes are applicable to all programs.

Suggested Changes

Section Three-Year Plan	Rationale
Section 3755(g) (Description of Suicide Prevention programs) (Pages 7 and 8 of Regs)	<ul style="list-style-type: none">• (g)(1): Requiring name of program:• (g)(4)(A): Correcting proofreading error• (g)(4)(B): Adding the requirement that counties ensure fidelity to community and or practice-based standards is needed to be consistent with the same requirement to ensure fidelity to evidence-based and promising practice standards.• (g)(5)(B): Adding “applicable” to clarify that not all MHSA outcomes are applicable to all programs.

Suggested Changes

Section Three-Year Plan	Rationale
<p>Section 3755(h), Section 3755(i), Section 3755(j) (Description of how programs use the three strategies) (Pages 8 and 9 of Regs)</p>	<ul style="list-style-type: none">• (h) and (i): Adding required program descriptions for Access to Treatment and Timely Access to Services for Underserved Populations if offered as stand-alone programs is needed for consistency to provide description of all PEI programs• (h)(1); (i)(1); (j)(1): Requiring name of program• (h)(2); (i)(2); (j)(2): Clarifying language by moving it from introductory sentence to a new subdivision• (h)(6): Adding an additional requirement because just knowing that the county will measure additional outcomes is not useful without also knowing what the county will measure and how it will be measured.

Suggested Changes

Section Three-Year Plan	Rationale
Section 3755(l), (Description of the projected expenditure) (Page 9 of Regs)	<ul style="list-style-type: none">• (l) Deleting “strategy”: Requiring counties to report projected expenditures on each “strategy” is likely to impose an unacceptable burden on counties because “strategy” as defined is not a separate program but is a planned and specified method within a program intended to achieve a defined goal• (l)(1):deleting awkward word usage• (l)(2):Requiring projected expenditures on all programs. This is the same change that was made in the Annual Revenue and Expenditure Report section.

Proposed Motion

The Commission adopts Staff's suggested changes to Proposed Prevention and Early Intervention Regulations Sections 3510.010, 3745, 3755 and the adoption of new Sections 3703, 3704, and 3706.

Staff's Suggested Rejections of Changes Proposed by Public Comments to Sections 3200.245, 3200.246, 3510.010, 3745, 3755, and 3755.010

- ▶ Matrix of Public Comments with Staff's Suggested Responses
 - 102-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 3200.245, 3200.246, 3510.010, 3745, 3755, and 3755.010, and to comments not directed at a specific section as set forth in the, "Matrix of Public Comments with Staff's Suggested Responses".