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AB-168 Mental health: community-based services. (2015-2016)

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Assembly Bill No. 168

CHAPTER 283

An act to amend Section 14021.2 of the Welfare and Institutions Code, and to amend Section 1 of Chapter 6 of the Statutes of 2016, relating to mental health services.

[Approved by Governor September 12, 2016. Filed with Secretary of State September 12, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 168, Maienschein. Mental health: community-based services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law provides for a schedule of benefits under the Medi-Cal program and provides for specified services, including various mental health services. Existing federal law, the Protecting Access to Medicare Act of 2014, requires the United States Secretary of Health and Human Services to, among other things, no later than September 1, 2017, select from among those states awarded a planning grant, the states that may participate in a time-limited demonstration program that is designed to improve access to community mental health and substance use treatment services provided by certified community behavioral health clinics. Existing law requires the department to develop a proposal for the United States Secretary of Health and Human Services to be selected as a participating state in this time-limited demonstration program, as specified.

This bill would require the department to provide an update to the Legislature by March 1, 2017, to include specified information if the state is selected as a participating state in this time-limited demonstration program.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1 of Chapter 6 of the Statutes of 2016 is amended to read:

Section 1. The Legislature finds and declares the following:

(a) In 2014 Congress enacted the federal Protecting Access to Medicare Act of 2014.

(b) Under the Protecting Access to Medicare Act, eight states will be selected to have their federal share of costs increased to 65 percent for two years for outpatient behavioral health care for individuals with severe mental illnesses or serious emotional disturbances.

(c) This federal funding would free up substantial funds in participating counties that are currently being used to match federal funds. The money that is currently being used to match federal funds would be available to be used to meet the mental health

service and housing needs of those individuals who are not currently receiving the behavioral health care that they need.

(d) In October 2015, the United States Secretary of Health and Human Services awarded California a planning grant pursuant to Section 223 of the federal Protecting Access to Medicare Act of 2014 which partially supported California in, among other things, developing its proposal to participate in the two-year demonstration program.

(e) California is among 24 states competing to be one of the eight states chosen to participate in the two-year demonstration program.

(f) The Mental Health Services Act was approved by voters in 2004 for the primary purpose of addressing unmet mental health needs.

(g) It is an appropriate use of Mental Health Services Act funds to support California's application to participate in this demonstration program, including by using these funds to prepare actuarial rates and provide technical assistance to counties seeking to become certified community behavioral health centers.

(h) This act is consistent with and furthers the intent of the Mental Health Services Act within the meaning of Section 18 of the Mental Health Services Act.

SEC. 2. Section 14021.2 of the Welfare and Institutions Code is amended to read:

14021.2. (a) The department shall develop a proposal for the United States Secretary of Health and Human Services for selection as a participating state in the time-limited demonstration program pursuant to Section 223 of the federal Protecting Access to Medicare Act of 2014 (Public Law 113-93) in order to improve mental health services furnished by certified community behavioral health clinics to Medi-Cal beneficiaries.

(b) The department shall use the funds appropriated in the act that added this section to pay any costs that will support the development of a competitive proposal, including, but not limited to, establishing actuarially sound rates and providing technical assistance to counties.

(c) If the state is selected as a participating state in the time-limited demonstration program described in subdivision (a), the department, by March 1, 2017, shall provide an update to the Legislature that includes, to the extent it is available, the following information:

(1) The names of the participating counties.

(2) The estimated amount of additional funding each county is expected to receive under the demonstration program.

(3) The proposed uses of the additional funds and the county funds no longer required to be used as the federal match.

(4) A description of the improved partnerships between certified community behavioral health clinics and veterans organizations, primary care providers, health plans, educational agencies, and other organizations that the demonstration program includes.

(5) Other identified benefits from the demonstration program funding and planning process, and recommendations on any components of the demonstration program that could be extended to other counties.