



SB-275 Alcohol and drug treatment: youth. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL

NO. 275

Introduced by Senator Portantino
(Coauthors: Senators Bates and McGuire)
(Coauthor: Assembly Member Aguiar-Curry)

February 09, 2017

An act to repeal and add Chapter 4 (commencing with Section 11759) of Part 1 of Division 10.5 of the Health and Safety Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

SB 275, Portantino. Alcohol and drug treatment: youth.

Existing law consolidated within the State Department of Health Care Services all substance use disorder functions and programs from the former State Department of Alcohol and Drug Programs.

The existing Adolescent Alcohol and Drug Treatment and Recovery Program Act of 1998, which authorized the State Department of Alcohol and Drug programs to establish community-based nonresidential and residential recovery programs to intervene and treat the problems of alcohol and other drug use among youth, became inoperative on July 1, 2013.

This bill would repeal those inoperative provisions and would enact the Children, Adolescents, and Young Adults Substance Use Disorder Treatment Act. The bill would require the department to convene an expert panel on or before January 1, 2020, to advise the department solely on the development of youth substance use disorder (SUD) treatment quality standards, as specified. The bill would require the department, on or before July 1, 2021, to adopt regulations to establish youth SUD treatment quality standards, as specified. The bill would require each county to designate a single public agency that is responsible for administering the provision of youth SUD treatment services within that county. The bill would require the agency to, among other things, ensure, in conjunction with the county office of education and other local education agencies, that all programs in the county providing youth SUD prevention and treatment services are providing coordinated services. By requiring additional duties of local governments, this bill would create a state-mandated local program.

The bill would additionally define youth SUD treatment services as including any publicly funded direct services intended to treat substance use disorders for individuals from birth to 26 years of age, inclusive. The bill would require a public agency or private entity that provides youth SUD treatment services after January 1, 2022, to comply with the standards adopted by the department and would limit which entities may provide youth SUD treatment services. The bill would, after July 1, 2022, require youth SUD treatment programs to be certified in accordance with the regulations adopted by the department. The bill would prohibit a county from contracting to provide youth SUD treatment services with an entity that does not comply with these provisions. The bill would require the department to report to the Legislature regarding the standards on or before January 1, 2023, and annually thereafter.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Chapter 4 (commencing with Section 11759) of Part 1 of Division 10.5 of the Health and Safety Code is repealed.

SEC. 2. Chapter 4 (commencing with Section 11759) is added to Part 1 of Division 10.5 of the Health and Safety Code, to read:

CHAPTER 4. Alcohol and Drug Treatment for Children, Adolescents, and Young Adults

11759. This chapter shall be known, and may be cited, as the Children, Adolescents, and Young Adults Substance Use Disorder Treatment Act.

11759.10. (a) On or before January 1, 2020, the department shall convene an expert panel to meet at least quarterly and advise the department solely on the development of youth substance use disorder (SUD) treatment quality standards for children, adolescents, young adults, and their families.

(b) The expert panel shall consist of 13 members, appointed as follows:

(1) Nine members appointed by the department, as follows:

(A) A representative of county behavioral health directors.

(B) A representative of county social services agencies.

(C) A representative of county probation agencies.

(D) A representative of an organization representing substance use disorder treatment providers specializing in youth treatment.

(E) A representative of organizations that represent behavioral health and social services workers.

(F) A representative of the State Department of Education with knowledge and expertise in student assistant programs.

(G) A representative of community health centers specializing in either school-based health programs or mental health services.

(H) A representative of physicians specializing in substance use disorder treatment of children and adolescents.

(I) A representative of pediatricians specializing in providing services to homeless and at-risk youth.

(2) Two members appointed by the Speaker of the Assembly, as follows:

(A) A representative of Medi-Cal managed care plans.

(B) A representative from school-based programs, either a school nurse or a school psychologist.

(3) Two members appointed by the Senate Committee on Rules, as follows:

(A) A representative of foster youth and homeless youth.

(B) A parent, family member, or family advocate.

(c) Members of the expert panel shall serve without compensation, but shall be reimbursed by the department for all actual and necessary expenses incurred during the performance of their duties.

(d) Members of the expert panel shall serve at the pleasure of the appointing party.

(e) The expert panel, when deliberating and making recommendations, shall review and consider a wide variety of relevant research, surveys, policies, and evidence-based practices, including, but not limited to, the National Institutes of Health's Principles of Adolescent Substance Use Disorder Treatment: A Research-Based Guide and the California Society of Addiction Medicine's most recent version of Standards of Care for Adolescent Substance Use. In reviewing and considering the Standards of Care for Adolescent Substance Use, the expert panel shall review and consider only the treatment standards contained therein.

(f) This section does not create new criteria for youth early intervention and prevention funds.

11759.20. (a) On or before July 1, 2021, the department shall adopt regulations to establish youth SUD treatment quality standards following the recommendations of the expert panel. The department may amend the regulations based on recommendations from the expert panel. The regulations shall support the development of a statewide system of youth-focused SUD treatment programs and include all of the following:

(1) Criteria for ensuring that programs and services are relevant to, and reflect the demographics of, California's children and youth, including race, family status including homeless and foster youth, ethnicity, languages spoken at home, gender identity, and sexual orientation.

(2) Minimum quality standards to ensure services provided meet all of the following criteria:

(A) Appropriate to the age and developmental needs of the individual.

(B) Trauma-informed and evidence-based.

(C) Offering a continuum of care that includes screening and assessment for substance use disorder and mental health, early intervention, active treatment, family involvement, case management, overdose prevention, prevention of communicable diseases related to substance use, relapse management for substance use and other cooccurring behavioral health disorders, medication-assisted treatments, family therapy and counseling services, psychiatric medication, and psychotherapy.

(3) Standards for connecting children, adolescents, young adults, and their families to relevant community and social services to support the individual's plan for the prevention, early intervention, and treatment of substance use disorders, including, but not limited to, housing, health care coverage, county social services, vocational services, literacy services, parenting classes, and other supports, as needed.

(4) A plan for developing and retaining a culturally and linguistically appropriate workforce to deliver services.

(5) (A) Criteria to ensure public and private contracted providers delivering services to youth and families maintain a minimum level of quality services, as determined through development of a responsible contractor program.

(B) The responsible contractor program shall be supported by indicators and data related to the public and private contracted providers delivering direct services to youth and families.

(6) A system for gathering and reporting data on youth SUD program participation and outcomes that protects the privacy of youth participants and their families pursuant to the federal Health Insurance Portability and Accountability Act (HIPAA) and relevant state and federal privacy laws, and that allows for the assessment of program outcomes over time.

(7) A plan for ensuring youth SUD programs are targeted to individuals and communities based on greatest need.

(8) Biannual assessments to ensure youth SUD programs are targeted to the regional needs and types and prevalence of alcohol, drug, and other chemicals and controlled substances.

(9) An assessment of potential certification requirements for programs and professionals delivering youth SUD treatment services.

(10) Minimum standards for training and professional development for employees delivering youth SUD services.

(b) For the purposes of this chapter:

(1) "Youth SUD treatment services" includes any publicly funded direct services intended to treat substance use disorders for individuals from birth to 26 years of age, inclusive.

(2) "Youth SUD programs" includes any provider of youth SUD treatment services.

11759.25. (a) The expert panel shall hold public meetings and solicit input from a wide range of interested parties.

(b) The expert panel shall also seek input and review from relevant stakeholder groups from the State Department of Education, the State Department of Health Care Services, and the State Department of Public Health.

11759.30. Each county shall designate a single public agency that is responsible for administering the provision of youth SUD treatment services within the county. The agency shall maintain in a central location a copy of all contracts to provide youth SUD treatment services within the county. The agency shall, in conjunction with the county office of education and other local education agencies, ensure that all programs in the county providing youth SUD prevention and treatment services are providing coordinated services. The agency may adopt standards for providing services or for awarding contracts to provide services that go beyond the requirements of this chapter.

11759.40. (a) (1) A public agency or private entity that provides youth SUD treatment services after January 1, 2022, shall comply with the standards adopted by the department.

(2) A county shall not contract to provide youth SUD treatment services with an entity that fails to comply with the requirements of this section.

(b) After January 1, 2022, eligibility to provide youth SUD treatment services shall be limited to public agencies and licensed entities, including federally qualified health centers, community mental health centers, rural health clinics, health centers operated by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization, and entities receiving funds under Title X of the federal Public Health Service Act (Public Law 91-572), including intermittent clinics, short-term residential therapeutic program facilities licensed pursuant to Section 1562.01, health plans that provide a full range of in-house services, mental health facilities, school-based health centers, residential alcohol and other drug treatment centers, other community-based treatment programs as recommended by the expert panel, and student assistant programs (SAPs). The expert panel shall recommend, and the department shall issue, regulations for certification standards for youth treatment programs and counselors in SAPs.

(c) After July 1, 2022, youth SUD treatment programs shall be certified in accordance with the regulations adopted by the department.

11759.50. Until January 1, 2023, the department may adopt regulations to implement this chapter as emergency regulations in accordance with the Administrative Procedure Act. The initial adoption of emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. The initial emergency regulations shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State, and shall remain in effect for no more than one year.

11759.60. (a) The department shall report to the Legislature regarding youth SUD treatment quality standards, program participation, and participant outcomes by January 1, 2023, and annually thereafter.

(b) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

11759.65. Findings or recommendations of the expert panel pursuant to this chapter that may not be implemented without a subsequent appropriation by the Legislature, as determined by the department, shall not be implemented until an appropriation is made for those purposes.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.