

AMENDED IN ASSEMBLY JANUARY 23, 2002

AMENDED IN ASSEMBLY JANUARY 7, 2002

AMENDED IN ASSEMBLY APRIL 5, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1425

Introduced by Assembly Member Thomson

February 23, 2001

An act to ~~amend Section 1505 of the Health and Safety Code, and to add Section 5677 to the Welfare and Institutions Code, relating to mental health.~~ *add Section 1504.5 to the Health and Safety Code, relating to health.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1425, as amended, Thomson. ~~Mental health~~ *Persons with disabilities: community living support services.*

~~(1) Existing law, the Bronzan-McCorquodale Act, establishes provisions for the purpose of organizing and financing community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law requires the board of supervisors of each county to adopt, and submit to the Director of Mental Health, an annual mental health services performance contract containing prescribed information~~

Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care and residential facilities by the State Department of Social Services, and prohibits unlicensed community care facilities from operating in the state.

This bill would permit counties to contract with agencies or individuals to assist ~~mental health clients~~ *persons with disabilities* in securing their own homes, including ~~supported~~ *supportive* housing, as described, and to provide ~~clients~~ *persons with disabilities* with the supports needed to live in their own homes.

~~(2) Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care and residential facilities by the State Department of Social Services, and prohibits unlicensed community care facilities from operating in the state.~~

~~This bill, notwithstanding the above prohibition, would require, if the department has reason to believe that a resident in independent housing has an unmet need for care and supervision in the form of mental health treatment services and the resident is a client of a county mental health department, the department to contact a county mental health representative to obtain a clinical assessment by a licensed mental health professional regarding whether, in the opinion of the licensed professional, the resident's need for mental health treatment services is unmet. The imposition of this new duty on counties would create a state-mandated local program.~~

~~The~~

~~This bill would permit individuals with ~~mental illness, or their representatives,~~ *disabilities* to contract for the provision of any of these ~~mental health~~ *community living* support services in the individual's private home as part of a ~~mental health treatment plan to support their~~ independent living *plan*, and would exempt any living arrangement or ~~supported~~ *supportive* housing for individuals with ~~mental~~ disabilities who are receiving these ~~mental health~~ *community living* support services from the application of the act.~~

~~(3) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~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 these statutory provisions.~~



Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—Section 1505 of the Health and Safety Code is~~
2 ~~amended to read:~~
3 ~~1505.—This chapter does not apply to any of the following:~~
4 ~~(a) Any health facility, as defined by Section 1250.~~
5 ~~(b) Any clinic, as defined by Section 1202.~~
6 ~~(c) Any juvenile placement facility approved by the California~~
7 ~~Youth Authority or any juvenile hall operated by a county.~~
8 ~~(d) Any place in which a juvenile is judicially placed pursuant~~
9 ~~to subdivision (a) of Section 727 of the Welfare and Institutions~~
10 ~~Code.~~
11 ~~(e) Any child day care facility, as defined in Section 1596.750.~~
12 ~~(f) Any facility conducted by and for the adherents of any~~
13 ~~well-recognized church or religious denomination for the purpose~~
14 ~~of providing facilities for the care or treatment of the sick who~~
15 ~~depend upon prayer or spiritual means for healing in the practice~~
16 ~~of the religion of the church or denomination.~~
17 ~~(g) Any school dormitory or similar facility determined by the~~
18 ~~department.~~
19 ~~(h) Any house, institution, hotel, homeless shelter, or other~~
20 ~~similar place that supplies board and room only, or room only, or~~
21 ~~board only, provided that no resident thereof requires any element~~
22 ~~of care as determined by the director.~~
23 ~~(i) Recovery houses or other similar facilities providing group~~
24 ~~living arrangements for persons recovering from alcoholism or~~
25 ~~drug addiction where the facility provides no care or supervision.~~
26 ~~(j) Any alcoholism or drug abuse recovery or treatment facility~~
27 ~~as defined by Section 11834.11.~~
28 ~~(k) Any arrangement for the receiving and care of persons by~~
29 ~~a relative or any arrangement for the receiving and care of persons~~
30 ~~from only one family by a close friend of the parent, guardian, or~~
31 ~~conservator, if the arrangement is not for financial profit and~~
32 ~~occurs only occasionally and irregularly, as defined by regulations~~
33 ~~of the department. For purposes of this chapter, arrangements for~~
34 ~~the receiving and care of persons by a relative shall include~~



1 ~~relatives of the child for the purpose of keeping sibling groups~~
2 ~~together.~~

3 ~~(l) (1) Any home of a relative caregiver of children who are~~
4 ~~placed by a juvenile court, supervised by the county welfare or~~
5 ~~probation department, and the placement of whom is approved~~
6 ~~according to subdivision (d) of Section 309 of the Welfare and~~
7 ~~Institutions Code.~~

8 ~~(2) Any home of a nonrelative extended family member, as~~
9 ~~described in Section 362.7 of the Welfare and Institutions Code,~~
10 ~~providing care to children who are placed by a juvenile court,~~
11 ~~supervised by the county welfare or probation department, and the~~
12 ~~placement of whom is approved according to subdivision (d) of~~
13 ~~Section 309 of the Welfare and Institutions Code.~~

14 ~~(m) Any supported living arrangement for individuals with~~
15 ~~developmental disabilities as defined in Section 4689 of the~~
16 ~~Welfare and Institutions Code.~~

17 ~~(n) (1) Any family home agency or family home, as defined in~~
18 ~~Section 4689.1 of the Welfare and Institutions Code, that is~~
19 ~~vendored by the State Department of Developmental Services and~~
20 ~~that does either of the following:~~

21 ~~(A) As a family home approved by a family home agency,~~
22 ~~provides 24-hour care for one or two adults with developmental~~
23 ~~disabilities in the residence of the family home provider or~~
24 ~~providers and the family home provider or providers' family, and~~
25 ~~the provider is not licensed by the State Department of Social~~
26 ~~Services or the State Department of Health Services or certified by~~
27 ~~a licensee of the State Department of Social Services or the State~~
28 ~~Department of Health Services.~~

29 ~~(B) As a family home agency, engages in recruiting, approving,~~
30 ~~and providing support to family homes.~~

31 ~~(2) No part of this subdivision shall be construed as~~
32 ~~establishing by implication either a family home agency or family~~
33 ~~home licensing category.~~

34 ~~(o) Any facility in which only Indian children who are eligible~~
35 ~~under the federal Indian Child Welfare Act, Chapter 21~~
36 ~~(commencing with Section 1901) of Title 25 of the United States~~
37 ~~Code are placed and that is one of the following:~~

38 ~~(1) An extended family member of the Indian child, as defined~~
39 ~~in Section 1903 of Title 25 of the United States Code.~~



1 ~~(2) A foster home that is licensed, approved, or specified by the~~
2 ~~Indian child's tribe pursuant to Section 1915 of Title 25 of the~~
3 ~~United States Code.~~

4 ~~(p) Any housing for elderly or disabled persons, or both, that~~
5 ~~is approved and operated pursuant to Section 202 of Public Law~~
6 ~~86-372 (12 U.S.C.A. Sec. 1701g), or Section 811 of Public Law~~
7 ~~101-625 (42 U.S.C.A. Sec. 8013), or whose mortgage is insured~~
8 ~~pursuant to Section 236 of Public Law 90-448 (12 U.S.C.A. Sec.~~
9 ~~1715z), or that receives mortgage assistance pursuant to Section~~
10 ~~221d (3) of Public Law 87-70 (12 U.S.C.A. Sec. 17151), where~~
11 ~~supportive services are made available to residents at their option;~~
12 ~~as long as the project owner or operator does not contract for or~~
13 ~~provide the supportive services. The project owner or operator~~
14 ~~may coordinate, or help residents gain access to, the supportive~~
15 ~~services, either directly, or through a service coordinator.~~

16 ~~(q) Any independent living arrangement or supported housing,~~
17 ~~as described in paragraph (2) of subdivision (b) of Section 5677~~
18 ~~of the Welfare and Institutions Code, for individuals with mental~~
19 ~~disabilities who are receiving mental health support services, as~~
20 ~~described in paragraph (1) of subdivision (b) of Section 5677 of~~
21 ~~the Welfare and Institutions Code.~~

22 ~~(r) Any similar facility determined by the director.~~

23 ~~SEC. 2. Section 5677 is added to the Welfare and Institutions~~
24 ~~Code, to read:~~

25 ~~5677. (a)~~

26 *SECTION 1. Section 1504.5 is added to the Health and Safety*
27 *Code, to read:*

28 *1504.5. (a) This chapter does not apply to any independent*
29 *living arrangement or supportive housing, described in paragraph*
30 *(2) of subdivision (c), for individuals with disabilities who are*
31 *receiving community living support services, as described in*
32 *paragraph (1) of subdivision (c).*

33 *(b) The Legislature finds and declares that persons with*
34 *psychiatric illnesses disabilities who wish to live independently are*
35 *entitled to receive mental health community living support*
36 *services, as described in paragraph (1) of subdivision (b) (c), and*
37 *services in securing and maintaining supported supportive*
38 *housing, as described in paragraph (2) of subdivision (b) (c), and*
39 *that there is an urgent need to provide for a statewide structure that*
40 *fosters support services for persons with mental illness disabilities*



1 and encourages increased access to ~~supported~~ *supportive* housing.
2 These services should be provided to clients in the least restrictive
3 setting possible, such as a person's private home, and should
4 enable the person to live more independently in the community for
5 long periods of time. ~~These services should include clinical~~
6 ~~assessment, treatment, and service planning directed toward~~
7 ~~helping the individual achieve his or her objectives, optimize~~
8 ~~independence and productivity, and reintegrate into the~~
9 ~~community successfully.~~

10 ~~(b) (1) "Mental health~~

11 ~~(c) (1) "Community living support services,"~~ for purposes of
12 this section, *may* include, but are not limited to, assistance with
13 meal planning and shopping, improving skills in budgeting and
14 managing finances, medication self-management, transportation,
15 vocational and educational development, counseling regarding
16 appropriate use of community resources and leisure activities,
17 arrangements to meet the individual's basic needs such as financial
18 benefits, food, clothing, household goods, and housing, and
19 locating and scheduling for appropriate medical, dental, and vision
20 benefits and care, and independent living skills training and
21 problemsolving.

22 ~~(2) "Supported~~ "*Supportive* housing," for purposes of this
23 section, is ~~safe~~ rental housing that has all of the following
24 characteristics:

25 (A) It is affordable to people with disabilities.

26 (B) It is independent housing in which each tenant meets all of
27 the following conditions:

28 (i) Holds a lease or rental *agreement* in his or her own name and
29 is responsible for paying his or her own rent.

30 (ii) Has his or her own room or apartment, ~~or a shared room,~~
31 and is individually responsible for arranging any shared tenancy.

32 (3) It is permanent, wherein each tenant may stay as long as he
33 or she pays his or her share of rent and complies with the terms of
34 his or her lease.

35 (4) It is tenancy housing under which ~~supported~~ *supportive*
36 housing providers are required to comply with applicable state and
37 federal laws governing the landlord-tenant relationship.

38 ~~(e)~~

39 ~~(d)~~ Counties may contract with agencies or individuals to assist
40 ~~mental health clients~~ *persons with disabilities* in securing their



1 own homes and to provide ~~clients~~ *persons with disabilities* with the
2 supports needed to live in their own homes, including supported
3 *supportive* housing.

4 ~~(d)~~

5 (e) Notwithstanding any other provision of law, individuals
6 with ~~mental illness, or their representatives,~~ *disabilities* may
7 contract for the provision of any of the ~~mental health~~ *community*
8 *living* support services specified in paragraph (1) of subdivision
9 ~~(b)~~ (c), in the individual's private home as part of a ~~mental health~~
10 ~~treatment plan to support independent living.~~

11 ~~(e) (1) Notwithstanding Section 1503.5 of the Health and~~
12 ~~Safety Code, if the State Department of Social Services has reason~~
13 ~~to believe that a resident in independent housing has an unmet need~~
14 ~~for care and supervision in the form of mental health treatment~~
15 ~~services, and the resident is a client of a county mental health~~
16 ~~department, the department shall contact a county mental health~~
17 ~~representative to obtain a clinical assessment by a licensed mental~~
18 ~~health professional to determine whether, in the opinion of the~~
19 ~~licensed professional, the resident's need for mental health~~
20 ~~treatment services is unmet. The clinical assessment requested by~~
21 ~~the department shall be completed within 14 days after the request.~~
22 ~~If the resident is not a client of a county mental health department,~~
23 ~~the resident may obtain a clinical assessment from a licensed~~
24 ~~professional mental health provider selected by the resident to~~
25 ~~determine whether, in the opinion of the licensed professional, the~~
26 ~~resident's need for mental health treatment services is unmet.~~

27 ~~(2) For purposes of this subdivision, "care and supervision"~~
28 ~~shall not include mental health support services.~~

29 ~~SEC. 3. Notwithstanding Section 17610 of the Government~~
30 ~~Code, if the Commission on State Mandates determines that this~~
31 ~~act contains costs mandated by the state, reimbursement to local~~
32 ~~agencies and school districts for those costs shall be made pursuant~~
33 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
34 ~~2 of the Government Code. If the statewide cost of the claim for~~
35 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
36 ~~reimbursement shall be made from the State Mandates Claims~~
37 ~~Fund. as part of that individual's independent living plan.~~

38 (f) *An individual's receipt of community living support services*
39 *as defined in paragraph (1) of subdivision (c) shall not be*



1 *construed to mean that the individual requires care and*
2 *supervision.*

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