

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2506

Introduced by Assembly Member ~~Audra Strickland~~ Carter

February 19, 2010

~~An act relating to mental health.~~ *An act to amend Section 5604.2 of the Welfare and Institutions Code, relating to mental health.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2506, as amended, ~~Audra Strickland~~ Carter. Mental health: ~~involuntary treatment.~~ *medical transportation services.*

Existing law, the Bronzan-McCorquodale Act, contains provisions governing the operation and financing of 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 every county, or the boards of supervisors of counties acting jointly, as prescribed, to establish a community mental health service to cover the entire area of the county or counties. Existing law requires each community mental health service to establish a mental health board, with specified powers and duties. The mental health board may be established as an advisory board or a commission, depending on the preference of the county.

This bill would require each mental health board or commission to facilitate the development and implementation of a written memorandum of understanding (MOU) between emergency and nonemergency medical transportation entities, local law enforcement, Medi-Cal managed care mental health plans, general acute care hospitals, and acute psychiatric hospitals, to provide for the delivery of emergency and nonemergency medical transportation services for individuals with mental illness. This

bill would require that the MOU be developed and implemented not later than one year after the date that this measure becomes effective. If the mental health board or commission fails to facilitate the development and implementation of the MOU within the specified time, the bill would require the board of supervisors in each county, or the boards of supervisors of counties acting jointly, to develop and implement the MOU. By increasing county duties with respect to community mental health services, this bill would impose a state-mandated local program.

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 these statutory provisions.

~~Existing law, the Lanterman-Petris-Short Act, provides for the involuntary detention and treatment for up to 72 hours of any person with a mental disorder who, as a result of the mental disorder, is a danger to others or to himself or herself, or is gravely disabled.~~

~~Existing law establishes various requirements with respect to determinations to be made by a psychiatrist directly responsible for a person’s treatment for the initial detention for evaluation and treatment under the act, for various subsequent periods of confinement for treatment under the act, and for the release of any person subject to the act.~~

~~This bill would state the intent of the Legislature to enact legislation that would improve the requirements for involuntary treatment of individuals with mental disorders who are placed into a mental facility pursuant to these provisions.~~

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

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

- 1 SECTION 1. *The Legislature hereby finds and declares all of*
- 2 *the following:*

1 (a) *Currently, no county interagency systems exist in California*
2 *to provide for emergency and nonemergency medical*
3 *transportation services for individuals with mental illness.*

4 (b) *Legislation is needed to facilitate appropriate emergency*
5 *and nonemergency medical transportation services for individuals*
6 *with mental illness and to increase the coordination, quality,*
7 *efficacy, and efficiency of service delivery to these individuals.*

8 SEC. 2. *Section 5604.2 of the Welfare and Institutions Code*
9 *is amended to read:*

10 5604.2. (a) The local mental health board shall do all of the
11 following:

12 (1) Review and evaluate the community's mental health needs,
13 services, facilities, and special problems.

14 (2) Review any county agreements entered into pursuant to
15 Section 5650.

16 (3) Advise the governing body and the local mental health
17 director as to any aspect of the local mental health program.

18 (4) Review and approve the procedures used to ensure citizen
19 and professional involvement at all stages of the planning process.

20 (5) Submit an annual report to the governing body on the needs
21 and performance of the county's mental health system.

22 (6) Review and make recommendations on applicants for the
23 appointment of a local director of mental health services. The board
24 shall be included in the selection process prior to the vote of the
25 governing body.

26 (7) Review and comment on the county's performance outcome
27 data and communicate its findings to the California Mental Health
28 Planning Council.

29 (8) *Facilitate the development and implementation of a written*
30 *memorandum of understanding (MOU) between emergency and*
31 *nonemergency medical transportation entities, local law*
32 *enforcement, Medi-Cal managed care mental health plans, general*
33 *acute care hospitals, and acute psychiatric hospitals, to provide*
34 *for the delivery of emergency and nonemergency medical*
35 *transportation services for individuals with mental illness. The*
36 *MOU shall be developed and implemented not later than one year*
37 *after the effective date of the act that adds this paragraph. If the*
38 *board fails to facilitate the development and implementation of*
39 *the MOU pursuant to this paragraph, the board of supervisors in*

1 each county, or the boards of supervisors of counties acting jointly,
2 shall develop and implement the MOU.

3 ~~(8)~~

4 (b) Nothing in this part shall be construed to limit the ability of
5 the governing body to transfer additional duties or authority to a
6 mental health board.

7 ~~(b)~~

8 (c) It is the intent of the Legislature that, as part of its duties
9 pursuant to subdivision (a), the board shall assess the impact of
10 the realignment of services from the state to the county, on services
11 delivered to clients and on the local community.

12 *SEC. 3. If the Commission on State Mandates determines that*
13 *this act contains costs mandated by the state, reimbursement to*
14 *local agencies and school districts for those costs shall be made*
15 *pursuant to Part 7 (commencing with Section 17500) of Division*
16 *4 of Title 2 of the Government Code.*

17 ~~SECTION 1. It is the intent of the Legislature to enact~~
18 ~~legislation that would improve the requirements for involuntary~~
19 ~~treatment of individuals with mental disorders who are placed into~~
20 ~~a mental facility pursuant to Section 5150 of the Welfare and~~
21 ~~Institutions Code.~~