

Assembly Bill No. 1331

Passed the Assembly September 7, 2021

Chief Clerk of the Assembly

Passed the Senate September 2, 2021

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2021, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 5401 to the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1331, Irwin. Mental health: Statewide Director of Crisis Services.

Existing law, the Lanterman-Petris-Short Act, authorizes, among other things, the involuntary commitment and treatment of persons with specified mental health disorders and the appointment of a conservator of the person, of the estate, or of both, for a person who is gravely disabled as a result of a mental health disorder. The act is administered by the Director of Health Care Services.

This bill would require the director to appoint a full-time Statewide Director of Crisis Services. The bill would require the Statewide Director of Crisis Services to monitor, support, and coordinate with support providers, with the goal of having a comprehensive crisis care system, as specified, and coordinate with the Department of Managed Health Care, the Department of Insurance, and other departments, agencies, and entities, as necessary, to support and advocate for the creation and continued existence of a comprehensive, integrated, and reliable network of services. The bill would also specify the duties of the Statewide Director of Crisis Services, which would include various tasks relating to behavioral health crisis care in the state including, among other things, coordinating behavioral health programs and services statewide to ensure continuity of services and access points across county lines, other geographic boundaries, or both, and to promote and enhance cross-agency information exchange and resource sharing. The bill would authorize the Statewide Director of Crisis Services to undertake other related activities that they deem necessary to accomplish their duties. The bill would require the Director of Health Care Services to ensure that the Statewide Director of Crisis Services has the resources necessary to achieve the duties of the position.

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

SECTION 1. Section 5401 is added to the Welfare and Institutions Code, to read:

5401. (a) The Legislature finds and declares all of the following:

(1) California's system of caring for individuals of all ages experiencing a behavioral health crisis is fragmented and breaking — some would say it is completely broken. An estimated 1.4 million Californians now live with a serious mental illness such as schizophrenia, bipolar disorder, and major depression, while millions of others struggle with day-to-day problems that occasionally rise to the crisis level. There are inadequate crisis services available for individuals, regardless of age, experiencing a behavioral health crisis in virtually every geographic area of the state.

(2) The lack of coordination, a full continuum of crisis services, and continuity among programs in a multifaceted, complex system of state and local agencies frequently results in individuals not receiving the most appropriate level of care in a timely manner, which may also result in more expensive services with poorer outcomes for individuals, including children and youth, and their families. Too often, individuals experiencing a behavioral health crisis are met with delay, detainment, and even denial of service in a manner that creates undue burden on the person, their family, law enforcement, emergency departments, and adult and juvenile justice systems.

(3) The current approach to crisis care is patchwork and delivers minimal treatment for some people while others, often those who have not been engaged in care, fall through the cracks, resulting in multiple hospital readmissions, an inability to work or attend school, life in the criminal justice system, homelessness, early death, and suicide. The absence of sufficient and cost-effective crisis services represents a substantial gap in the continuum of care for children and youth with mental health needs, and this must be addressed.

(4) A comprehensive and integrated behavioral health crisis care network is crucial in preventing tragedies of public and patient safety, violation of civil rights, extraordinary and unacceptable loss of lives, and waste of resources. California requires strong

leadership on a statewide basis to develop an effective crisis care system that saves lives and dollars. With continued attention and focused effort, the new Statewide Director of Crisis Services will be able to provide guidance to address the remaining challenges and barriers, avoid burdensome judicial intervention, and become a leader in ensuring that the mental health crisis needs of all children and their families are met regardless of who they are or where they live.

(b) The Director of Health Care Services shall appoint a full-time Statewide Director of Crisis Services who shall monitor, support, and coordinate with service providers, with the goal of having a comprehensive crisis care system that ensures Californians receive the care they deserve in a time of crisis in the most effective and expedient way possible. The Statewide Director of Crisis Services shall engage and coordinate with the Department of Managed Health Care, the Department of Insurance, and other departments, agencies, and appropriate entities, as necessary, to support and advocate for the creation and continued existence of a comprehensive, integrated network of services on which people, regardless of age, in a mental health or substance use disorder crisis can rely. The Statewide Director of Crisis Services shall do all of the following:

(1) Convene state and local leaders to develop a cohesive statewide behavioral health crisis care delivery system, including performance criteria and success indicators, utilizing the National Guidelines for Crisis Care – A Best Practice Toolkit published by the United States Substance Abuse and Mental Health Administration in 2020, which the state and local leaders shall implement.

(2) Coordinate behavioral health programs and services statewide to ensure continuity of services and access points across county lines, other geographic boundaries, or both, and to promote and enhance cross-agency information exchange and resource sharing.

(3) Identify and make recommendations to address behavioral health services gaps and needs to assist services providers, including, but not limited to, hospitals and community-based organizations, in providing optimal service delivery in order to maximize resources to effectively meet the diverse needs of people and communities.

(4) Make recommendations to appropriate entities on how to maximize the use of existing infrastructures and competencies of behavioral health prevention and early intervention services specific to the needs of the population, including children, adolescents, adults, and older adults.

(5) Make recommendations to appropriate entities on how to financially align behavioral health funding so that it best meets the needs of individuals, regardless of age, across California.

(6) Collect and analyze data on existing behavioral health program results and effectiveness.

(7) Promote the utilization of successful, promising, and evidence-based behavioral health services and service delivery within the child and adult systems of care.

(8) Make recommendations to the department on strategic direction for the establishment of, modification of, or improvements to the existing crisis care network in order to ensure the existence of a comprehensive, coordinated, consistent system of crisis care delivery.

(9) Conduct appropriate planning processes, involving relevant stakeholders, to ensure the crisis care delivery system is on a path of continuous and ongoing quality improvement.

(10) Provide technical assistance to improve the consistent application of the laws relating to involuntary commitments under the Lanterman-Petris-Short Act.

(c) The Statewide Director of Crisis Services may undertake other related activities that they deem necessary to accomplish their duties.

(d) The Director of Health Care Services shall ensure that the Statewide Director of Crisis Services has the resources necessary, in terms of both funding and staff, to achieve the duties of the position.

Approved _____, 2021

Governor