



June 7, 2013

Senate Pro Tempore Darrell Steinberg
State Capitol Room 205
Sacramento, CA 95814

**SUBJECT: SB 585 (Steinberg) Mental health: Mental Health Services Fund
As Amended on May 13, 2013 – SUPPORT IF AMENDED
Set for Assembly Health Committee on June 18, 2013**

Dear Senate Pro Tempore Steinberg:

On behalf of the California Mental Health Directors Association (CMHDA), which represents the directors of public mental health authorities in counties throughout California, I am writing to communicate that we are regrettably changing our position on your bill SB 585, from "Support" to "Support, if Amended" based on the amendments made to the bill on May 13.

In its prior version, we supported SB 585 because it simply served to clarify that Mental Health Services Act (MHSA) and other funds may be used to provide mental health services to participants of the Assisted Outpatient Treatment Demonstration Act of 2002 (otherwise known as "Laura's Law"). Additionally, we support its provisions that clarify that *all* county mental health funding sources, including MHSA, may be used to provide mental health services to Laura's Law participants. Further, the bill specifies that only the *mental health services* costs associated with implementing Laura's Law would be funded by community mental health funding sources. Finally, we support that provisions of the bill reflect the spirit of the MHSA by clarifying that MHSA funds may be used to fund Laura's Law mental health services only when they are included in counties' MHSA plans, which are required to be developed with local stakeholders and approved by the county Board of Supervisors.

However, we cannot support the amendments made to SB 585 on May 13, which add a provision in Section 2 of the bill that a county may authorize implementation of Laura's Law through "the county budget process." As you know, current law requires county Boards of Supervisors to make Laura's Law operative locally through a resolution by the Board. CMHDA members are concerned that providing the county budget process as an alternative to Board resolutions will reduce the opportunity for community partners, such as the courts and public defenders, as well as community members and stakeholders, to have a voice in the process of a county considering whether and how to implement Laura's Law, a sensitive and controversial demonstration project.

Whereas Board resolutions are typically separately identified and heard on county Board of Supervisors meeting agendas, the county budget process includes the presentation and consideration of entire county departmental budgets that contain numerous elements and program funding commitments. While the county budget process includes public meetings of the

CALIFORNIA MENTAL HEALTH DIRECTORS ASSOCIATION
2125 19th Street, 2nd Floor, Sacramento, CA 95818
TEL 916-556-3477 FAX 916-446-4519 www.cmhda.org

county Boards of Supervisors, it would be much more difficult for local partners and stakeholders to be aware of and participate through public testimony if the decision to fund and implement Laura's Law was enclosed within a county department's lengthy annual budget request rather than as a separately calendared resolution related solely to Laura's Law implementation. We acknowledge that other provisions of SB 585 ensure that stakeholders have a voice in a county's decision to use MHSA funds for Laura's Law – however, a local stakeholder process is not required if a county intends to use non-MHSA budget resources to fund Laura's Law. Additionally, we appreciate that SB 585 maintains the requirement that the county Board of Supervisors make a finding that no voluntary mental health program would be reduced as a result of Laura's Law implementation. However, it is unclear to CMHDA members how this "finding" would be made if the Board decided to make Laura's Law operative through the county budget process, rather than through a resolution that would document this finding.

Finally, CMHDA members are concerned that the county budget process does not lend itself to full consideration of the impact that one department's decision to implement Laura's Law would have on the resources and budgets of other implementation partners. For example, a county mental health department's budget could contain resources for providing the mental health services needed for Laura's Law implementation. However, a county's decision to implement Laura's Law could also have substantial impacts and costs to other implementation partner budgets, including the public defender, district attorney, county counsel, and courts. At the local level, a separately considered Board resolution related to Laura's Law is more likely to ensure that all state and county costs of implementation have been fully considered and budgeted.

For these reasons, we respectfully request that you consider removing from SB 585 the county budget process as an option for making Laura's Law operative in counties and leave Section 5349 of Laura's Law intact as currently written in law.

Please do not hesitate to contact me at (916) 556-3477, ext. 112, or kbarlow@cmhda.org with any questions you may have.

Sincerely,



Kirsten Barlow
Associate Director, Legislation and Public Policy

Cc: Honorable Chair and Members, Assembly Health Committee
Ben Russell, Consultant, Assembly Health Committee
Diane Van Maren, Consultant, Office of Pro Tempore Steinberg
Peter Anderson, Consultant, Assembly Republican Caucus
Kelly Brooks-Lindsey, California State Association of Counties
Jolena Voorhis, Urban Counties Caucus
Cyndi Hillery, Regional Council of Rural Counties