

**California Behavioral Health Planning Council
Legislation and Public Policy Committee
Meeting Summary**

Wednesday, January 17, 2024
1:30 pm to 5:00 pm
Courtyard by Marriott San Diego Old Town
2435 Jefferson Street San Diego, CA 92110
Cabrillo Room

Members Present:

Barbara Mitchell, Chairperson	Javier Moreno, Chair-Elect	
Catherine Moore	Deborah Starkey	Tony Vartan
Daphne Shaw	Marina Rangel	Karen Baylor
Susan Wilson	Liz Oseguera	Darlene Prettyman*
Monica Caffey	Noel O'Neill	Veronica Kelley
Erin Franco*	Steve Leoni*	

*=Virtual Attendance

Meeting Commenced at 1:30 p.m.

Item #1 Nomination of Chair-Elect

Naomi Ramirez, CBHPC Staff, provided an overview of the responsibilities of a committee Chair-Elect. Barbara Mitchell nominated Javier Moreno as the Legislation and Public Policy committee Chair-Elect. The motion was seconded by Susan Wilson. The motion passed.

Item #2 Change of Officers

The change of Committee Officers occurred. Barbara Mitchell became the committee Chairperson and Javier Moreno become the committee Chair-Elect.

**California Behavioral Health Planning Council
Legislation and Public Policy Committee
Meeting Summary**

Item #3 October 2023 Meeting Minutes

Review of the October 2023 meeting minutes was postponed to the April 2024 meeting.

Item #4 Discussion of Changes in Conservatorship Laws

Daphne Shaw provided a brief overview of Senate Bill (SB) 43, which was signed into law in October 2023. The bill expands the definition of gravely disabled. The changes outlined in the legislation are effective January 1, 2024, however counties were given the option to defer implementation until 2025 or 2026 and at this time 56 counties have opted to defer. It is unknown at this time which year each county deferred to. The two counties that did not defer implementation are San Luis Obispo and San Francisco. Daphne highlighted that the public guardian, emergency rooms, and public defenders will all be impacted by this legislation. Another concern is there is no state criteria to certify a locked Medi-Cal substance use disorder treatment facility. She reported that the Patients' Rights committee received an update from Deb Roth with Disability Rights California because they are following the initiative closely. Deb shared that there is concern that the Governor may put leverage on counties through other mechanisms to force a sooner implementation.

Karen Baylor shared concerns she heard at the Behavioral Health Symposium in December 2023, which was hosted by the California Hospital Association. The hospitals are extremely concerned about how the legislation can be implemented. They highlighted that locked settings are not the appropriate treatment for SUD patients and there are not currently the beds or treatment required. There are also significant concerns about capacity issues.

The committee discussed sending a letter with recommendations for implementation to the Health and Human Services Agency and the Department of Health Care Services. The committee decided to delay sending the letter until after the SB 43 Public Forum the Performance Outcomes Committee will be hosting during the April 2024 meeting.

Item #5 Review/Update CBHPC Policy Platform

Naomi Ramirez, CBHPC Staff, provided an overview of the history and edits included in the Policy Platform. Committee members reviewed and discussed the current version of the document. It was decided that substantial edits need to be made. Members

**California Behavioral Health Planning Council
Legislation and Public Policy Committee
Meeting Summary**

requested to receive the Policy Platform as a Word document so they can provide suggested edits and revisit the topic at the next meeting.

Naomi Ramirez will send the Policy Platform to all members in a Word format by email. All suggested edits that are submit to Naomi will be included in the April 2024 meeting packet for the committee’s review and discussion.

**Item #6 CBHDA Legislative Priorities for 2023
Governor’s Proposed 2024-25 Budget Highlights**

Gail Gronert, County Behavioral Health Director’s Association (CBHDA), Director of Strategic Initiatives, informed the committee that CBHDA currently very focused on the immense amount of program implementation and the Governor’s proposal.

Gail also provided an overview of the Governor’s Proposed Budget. Highlights from the overview include:

- Governor Newsom defines the budget deficit as \$37.9 billion over a multi-year forecasting period.
- Revenue is still 23% above pre-pandemic levels.
- Realignment funds are estimated to increase 5.1% in the budget year.
- There is a significant preservation of behavioral health funds.
- Behavioral Health & Housing Grant delays are proposed.
- The January proposal includes \$292 million allocated for CARE Court.
- The Governor conducted a press event identifying solutions to address the budget deficit, which include:
 - Access \$18.8 billion in reserves, revenue, and borrowing.
 - \$11.9 Billion reductions and shifting funds.
 - \$7.2 billion in delays and deferrals.

Item #7 Public Comment

Steve McNally urged CBHDA or any other organization to provide information about Senate Bill 43 and Senate Bill 326 to empower the public to advocate to the legislature.

**California Behavioral Health Planning Council
Legislation and Public Policy Committee
Meeting Summary**

Item #8

Assemblymember Corey Jackson, DSW, MSW

Assemblymember Corey Jackson from Riverside County provided an overview of his current legislative priorities. He highlighted that he is the Chairperson of the Assembly's Select Committee on California's Mental Health Crisis. He reported that the committee has been conducting a series of listening sessions and is focused on building out the behavioral health infrastructure and stabilizing the population served. The committee plans to develop a legislative package to address continued behavioral health needs including increasing the availability and knowledge of childhood screenings, bed capacities, and workforce. He shared that the committee is planning a joint hearing with the Senate Select Committee on Mental Health and Addiction to get feedback on the decisions made during the last legislative session. The purpose of the hearing is to identify information the legislature may be missing and unintended consequences. The committee is also committed to ensuring that California has a robust addiction system to ensure there is a master plan to deal with the number of Californians facing addiction.

Committee Member Catherine Moore assured that the Assemblymember is aware of the current crisis Adult Residential Facilities are currently facing. The Assembly member welcomed any additional information the committee would like to share to ensure the issue is appropriately addressed in coming legislative sessions.

Committee Member Steve Leoni thanked the Assemblymember for joining the committee. He shared that he worked with Rusty Selix on drafting the original Proposition 63 language for the Mental Health Services Act. He expressed concern with how quickly the language for Proposition 1 was put through the legislative process especially since much of the initial intent of Proposition 63 was lost in the process and will likely result in many unintended consequences. Steve asked how the Assemblymember, and other legislators intend on addressing the unintended consequences. The Assemblymember assured Steve that many legislators including himself are open to making recommendations to modify the language if that becomes necessary.

Committee Member Tony Vartan highlighted the reduction in acute psychiatric facilities over the years and suggested that the need for expansion should be looked at considering the passage of Care Court and Senate Bill 43, which will increase the need. The Assemblymember highlighted the importance of the legislature being vigilant on possible unintended consequences and ensuring that data is received timely and routinely as possible to identify red flags. He also assured Tony that there are a group of legislators that are willing to take swift action to address unintended consequences that are identified.

**California Behavioral Health Planning Council
Legislation and Public Policy Committee
Meeting Summary**

Committee Member Erin Franco asked if he foresees and increase in addiction due to the reduction of Prevention and Early Intervention (PEI) funding as proposed in Proposition 1. The Assemblymember highlighted that the legislature worked hard to preserve what is still in Proposition 1 related to PEI. He also stated that the proposition allows additional funds outside of PEI to address addiction services but acknowledged that it will be important to monitor potential impacts that may arise.

Committee Chairperson Barbara Mitchell asked the Assemblymember to inform us when the joint hearing will be held. She shared that the committee members are very interested in attending and have several items they would like addressed at the hearing.

Item #9 Public Comment

Barbara Wilson thanked Assemblymember Jackson for the work he is doing and for being a social worker. She highlighted that she is also a social worker, and that community mental health has never been adequately funded. She shared that she is very fearful of the potential for more individuals being put into locked settings because of the inadequate funding and the potential failure of initiatives. She also highlighted the Adult Residential Facility crisis and the silos the different departments work in. The Assemblymember invited her to share recommendations she may have that can be developed into legislation to address the issues.

Aaron Bailey asked if SB 326 was intentionally rushed through the legislative process. The Assemblymember shared that the legislature attempted to slow down the process as much as possible. He also stated that the intent of the joint hearing that is being planned is to identify any unintended consequences that may be a result of the speedy process.

Item #10 Senator Scott Wiener

Senator Scott Wiener from San Francisco highlighted some of his legislation that has been signed into law including Senate Bill (SB) 855 on mental health parity and SB 221 on timely access. Senator Wiener is the Chairperson of the Senate Select Committee on Mental Health and Addiction. He reported that the committee has been conducting oversight hearings on the implementation of behavioral health related laws. He shared that he plans to move forward SB 294 which will trigger an automatic review when a behavioral health coverage denial is given for services for youth under the age of 26. He also highlighted the ongoing workforce challenges, the lack of mental health beds, and

**California Behavioral Health Planning Council
Legislation and Public Policy Committee
Meeting Summary**

that drug addiction is a health problem that should be addressed accordingly. He expressed gratitude for the Council's work.

Committee member Daphne Shaw shared that she is the Chairperson of the Council's Patients' Rights Committee (PRC). She patients' rights concerns regarding the passage of Senate Bill 43.

Committee Member Karen Baylor thanked the Senator for presenting to the committee. She highlighted that more than 50 percent of the Council's membership is consumers and family members. She shared that the Council is hearing concerns from peer-run organizations that if Proposition 1 passes, 50 percent of the funds they receive from the Mental Health Services Act (MHSA) will be lost. She asked the Senator if he had been hearing the peer community's concerns with Proposition 1. The Senator responded that he is aware of many groups' opposition to the restructuring of MHSA funds.

Committee Member Noel O'Neill shared his concern about the potential loss of the Wellness Centers many counties operate if Proposition 1 passes, as they are funded by the Community Services and Supports allocation under the MHSA. He shared that is also worried that more individuals may become homeless as a result. Senator Weiner acknowledged that mental health has long been underfunded and stated that the outcome of the proposition will now be determined by voters.

Item #11 Public Comment

Stacie Dagleish asked if the Senator is thinking about doing something to get rid of the prohibitions on building mental health facilities in neighborhoods. The Senator said he has not thought about it, but thinks it is something worth considering.

Steve McNally thanked the Senator for all his efforts and expressed an interest in continuing to attend his hearings. He shared that he was surprised that regulations have not been put in place for the parity bill. Steve asked the senator if he had considered a self-funded voucher system.

Aaron Bailey expressed his gratitude for the Senator's work, particularly Senate Bill (SB)179. He asked if there is anything in the works in the legislature to address private insurer's abuse of the medical necessity process. The Senator shared that SB 855 was to describe who can define medical necessity and it made clear that that determination is not made by the insurers, but rather by the medical providers.

**California Behavioral Health Planning Council
Legislation and Public Policy Committee
Meeting Summary**

Item #12 Discussion of Proposition 1

Chairperson Barbara Mitchell informed the committee that once the legislature passed Senate Bill 326 and Assembly Bill 531 and it became a proposition, the Council was prohibited from holding a meeting to take a position as was planned after the October 2023 quarterly meeting. She shared that the Legislative Analyst's Office analysis of the proposition is included in the packet. Additionally, there will be presentations from various organizations on the proposition during the Council's General Session meeting.

Item #14 Public Comment

Barbara Wilson encouraged the Council to consider asking for federal funding to fill gaps.

Steve McNally asked the Council to be intentional in providing all resources possible to help family members advocate.

Patricia Wentzel shared information about a Proposition 1 Pro and Con online event that is open to the public.