



TITLE 9. CALIFORNIA DEPARTMENT OF MENTAL HEALTH

NOTICE OF PROPOSED RULEMAKING

SUBJECT: MHSA WORKFORCE EDUCATION AND TRAINING

The California Department of Mental Health (DMH) proposes to adopt the regulatory action described below after considering all comments, objections, or recommendations regarding the proposed regulatory action.

PUBLIC HEARING: DMH will hold a public hearing starting at 10:00 a.m. on **December 10, 2008, at the Department of Water Resources Auditorium, 1416 Ninth Street.** At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Information Digest. DMH requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

Reasonable accommodation or sign language interpreting services at the public hearing will be provided upon request. Such request should be made no later than 21 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD: Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action described in this notice. The written comment period will close at **5:00 p.m. on December 10, 2008.** DMH will only consider comments received at the Department by that time. Submit comments to the Office of Regulations, California Department of Mental Health, 1600 Ninth Street, Room 435, Sacramento, CA 95814.

Comments may also be submitted by facsimile at 916-651-9919 or electronic mail DMH.Regulations@dmh.ca.gov and must be received before 5:00 p.m. on the last day of the public comment period. All comments, including electronic mail or facsimile transmissions, should include the author's name and U.S. Postal Service mailing address in order for DMH to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

AUTHORITY: Welfare and Institutions Code section 5898

REFERENCE: Sections 5610, 5612, 5664, 5801, 5813.5, 5820, 5821, 5822, 5847, 5848, 5860, 5892, 5897 of the Welfare and Institutions Code; Section 3, MHSA; Title IV-E, Social Security Act.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

The California voters approved Proposition 63 during the November 2004 General Election. Proposition 63 became effective on January 1, 2005 as the Mental Health Services Act (MHSA). The MHSA expands mental health services to children/youth, adults and older adults who have serious mental illness or serious emotional disturbance and whose service needs are not being met through other funding sources. The MHSA seeks to establish prevention and early intervention programs as well as to develop innovative programs. Through imposition of a 1% tax on personal income in excess of \$1 million, the MHSA provides the opportunity for the Department of Mental Health (DMH) to offer increased funding, personnel and resources to support county mental health programs and monitor progress toward statewide goals for children/youth, adults, older adults and families.

The MHSA directs the county mental health programs to develop and submit a three-year plan to DMH, which DMH has called the Three-Year Program and Expenditure Plan (Plan). The Plan is comprised of five components of activities and/or services for which the funding established under the MHSA can be spent. The components are Community Services and Supports for children, transition-age youth, adults and older adults; Capital Facilities and Technological Needs; Workforce Education and Training; Prevention and Early Intervention; and Innovative Programs.

Given the scale of each component, DMH is implementing each component on a sequential and/or phased-in approach. Accordingly, regulations related to each component are being drafted through a concurrent process as the MHSA components are developed. This Informative Digest accompanies the draft regulations for California Code of Regulations Title 9, Division 1, Chapter 14, Article 8, Workforce Education and Training, which expands on the MHSA regulations currently in effect.

The Workforce Education and Training component of the MHSA addresses the shortage of mental health service providers in California. California was already facing a significant shortage of public mental health workers prior to the passage of the Mental Health Services Act. High vacancy rates exist in certain occupational classifications. The Public Mental Health System suffers from a lack of diversity in the workforce, poor distribution of existing mental health workers, and under-representation of individuals with consumer and family member experience in the provision of services and supports. There are critical shortages of mental health practitioners with skills to work effectively with such groups as children, older adults and diverse ethnic/cultural populations heretofore unserved or underserved. Particularly severe shortages exist in rural areas.

Adoption of these regulations for the Workforce Education and Training component of the MHSA will allow California counties to begin to build on and establish the workforce needed to carry out the provisions of the MHSA and provide much needed services to California's mentally ill population. As DMH implements each component of the Act, additional regulations will be filed with the OAL.

MATERIALS RELIED UPON IN PROMULGATING THIS RULEMAKING:

There are no materials that the Department relied upon in promulgating these regulations.

FISCAL IMPACT ESTIMATES:

A. Fiscal Effect on Local Government: Proposition 63, which expands mental health services, was passed by the voters in November 2004. Counties may choose to participate in the program; it is not a mandated program. If a county chooses to participate in the program, the State will provide funding to the county based on its approved Three-Year Program and Expenditure Plan.

There are no other non-discretionary costs or savings imposed upon local agencies.

There are no costs to any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code.

B. Fiscal Effect on State Government: The funding and expenditures are authorized in the MHSA.

C. Fiscal Effect on Federal Funding of State Programs: None.

D. Fiscal Effect on Private Persons or Businesses Directly Affected: The Agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

E. Effect on Housing Costs: None.

DETERMINATIONS: DMH has determined that the proposed regulatory action imposes mandates on county government only if the county chooses to apply for MHSA funds.

DMH has determined that the regulations would not have a significant, statewide economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

DMH has determined that the regulations would not significantly affect the following:

1. The creation or elimination of jobs within the State of California.
2. The creation of new businesses or the elimination of existing businesses within the State of California.
3. The expansion of businesses currently doing business within the State of California.
4. DMH has determined that these regulations may impact small businesses.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE:

DMH will have the rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons. These documents are available on the DMH web site. Copies of these documents are also available upon request to the Office of Regulations at the address noted above. In addition, a copy of the final statement of reasons, upon completion, will be available on the DMH web site or upon request to the Office of Regulations.

AVAILABILITY OF CHANGED OR MODIFIED REGULATION TEXT:

After holding the hearing and considering all timely and relevant comments received, DMH may adopt the regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which DMH adopts the regulations as revised. Any modifications will also be posted on the DMH web site. Copies of any modified regulations are also available upon request to the Office of Regulations.

ADDITIONAL STATEMENTS AND COMMENTS: In accordance with Government Code Section 11346.2(b)(3)(A), DMH must determine that no reasonable alternative considered by the DMH, or that has been otherwise identified and brought to the attention of DMH, would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations during the written comment period.

WEB SITE: This public notice, the proposed regulation text, the initial statement of reasons, and other related documents, are available from the DMH on its web site at http://www.dmh.ca.gov/Laws_and_Regulations/Regulations.asp.

CONTACT: Inquiries concerning the rulemaking process described in this notice may be directed to Susan Ichiho, Office of Regulations, by electronic mail DMH.Regulations@dmh.ca.gov or telephone 916-651-1446. The backup contact is the Office of Legal Services at 916-653-2319. Inquiries concerning the substance of the rulemaking may be directed to Irene Borgfeldt at 916-654-2617.

Hearing impaired persons wishing to utilize the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 800-735-2929, if you have a TDD; or 800-735-2922, if you do not have a TDD.