

California Code of Regulations

~~Title 9. Rehabilitative and Development Services~~

~~Division 1. Department of Mental Health~~

Repeal:

~~Chapter 14. Mental Health Services Act~~

~~Article 1 APPLICATION~~

~~Section 3100. Application of Chapter.~~

~~—Chapter 14 shall apply to the mental health services and supports provisions as provided in the Mental Health Services Act (Act).~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Section 5898, Welfare and Institutions Code.)~~

Article 2: DEFINITIONS

Section 3200.000. Act

~~“Act” means the Mental Health Services Act (MHSA) which took effect January 1, 2005, pursuant to Proposition 63, approved by California voters in November 2004 and codified in Welfare and Institutions Code Sections 5840 et seq.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

Section 3200.010. Adult.

~~“Adult” means an individual 18 years of age through 59 years of age.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

Section 3200.020. Bridge Funding.

~~“Bridge Funding” means short-term funding that enabled the County to continue to provide services/programs from the date the funding for the program(s) specified below ended, until the approval of the County’s initial Three-Year Program and Expenditure Plan which covers Fiscal Years 2005-2006, 2006-2007, and 2007-2008, and MHSA funds became available. The use of bridge funding is limited to the following programs:~~

- ~~(1) The Children’s System of Care Services~~
- ~~(2) Integrated Services for the Homeless Mentally Ill.~~
- ~~(3) The Mentally Ill Offender Crime Reduction Act.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

Section 3200.030. Children and Youth.

~~“Children and Youth” means individuals from birth through 17 years of age.~~

- ~~(1) Individuals age 18 and older who meet the conditions specified in Chapter 26.5 of the Government Code are considered children and youth and are eligible to receive services under the Act.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

Section 3200.040. Community Program Planning.

~~“Community Program Planning” means the process to be used by the County to develop the Three-Year Program and Expenditure Plan or updates in partnership with stakeholders to:~~

- ~~(1) Identify community issues related to mental illness resulting from lack of community services and supports.~~
- ~~(2) Analyze the mental health needs in the community.~~
- ~~(3) Identify priorities and strategies to meet those mental health needs.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

~~**Section 3200.050. Community Services and Supports.**~~

~~“Community Services and Supports” means the component of the Three-Year Program and Expenditure Plan that refers to service delivery systems, formerly known as “Adult and Older Adult Systems of Care” and “Children’s System of Care” found in Welfare and Institutions Code Sections 5800 and 5850, respectively. The Community Services and Supports component of the Three-Year Program and Expenditure Plan seeks to provide service delivery systems for mental health services for children and youth, transition age youth, adults, and older adults.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

~~**Section 3200.060. County.**~~

~~“County” means the County Mental Health Programs, two or more counties acting jointly, and/or city-operated programs receiving funds per Welfare and Institutions Code Section 5701.5.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

~~**Section 3200.070. Department.**~~

~~“Department” means the State Department of Mental Health~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

~~**Section 3200.080. Full Service Partnerships Service Category.**~~

~~“Full Service Partnership Service Category” means the service category in the Community Services and Supports component of the Three-Year Program and Expenditure Plan that allows the County, in collaboration with the client, client’s family, when appropriate, and client’s community, to plan for and provide mental health services and supports, including the full spectrum of community services, so that clients and their families, when appropriate, can achieve their goals.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

~~Section 3200.090. Full Spectrum of Community Services.~~

~~“Full Spectrum of Community Services” means all of the of services necessary to meet the client’s needs, including mental and non-mental health services and supports, to advance the Individual Services and Supports Plan established by the Case Manager or Service Coordinator and the individual and his/her family when appropriate. The full spectrum of services may include, but is not limited to, housing.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

~~Section 3200.100. General System Development Service Category.~~

~~“General System Development Service Category” means the service category in the Community Services and Supports component of the Three-Year Program and Expenditure Plan that allows the County to provide mental health services and supports to individuals with mental illness and their families.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

~~Section 3200.110. Individual Services and Supports Plan.~~

~~“Individual Services and Supports Plan” means the plan developed by the Case Manager or Service Coordinator and the individual and his/her family, when appropriate, to guide the individual to achieve his/her goals.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

~~Section 3200.120. Older Adult.~~

~~“Older Adult” means an individual 60 years of age and older.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

~~Section 3200.130. Outreach and Engagement Service Category.~~

~~“Outreach and Engagement Service Category” means the service category in the Community Services and Supports component of the Three-Year Program and Expenditure Plan that allows the County to fund outreach activities and engage unserved individuals in the mental health system, including those individuals/populations that are currently receiving little or no service.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

~~Section 3200.140. Stakeholders.~~

~~“Stakeholders” means individuals or entities with an interest in mental health services in the State of California, including but not limited to: individuals with severe mental illness/disorders and/or their families; providers of mental health and/or related services such as physical health care and/or social services; educators and/or representatives of education and law enforcement; and any other organization that represent the interest of people with mental illness/disorders and/or their families.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

~~Section 3200.150. Transition Age Youth.~~

~~“Transition Age Youth” are youth 16 years of age to 25 years of age.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

~~Section 3200.160. Unserved.~~

~~“Unserved” means those individuals who may have serious mental illness/emotional disorders and their families, when appropriate, who are not receiving mental health services. Individuals who may have had extremely brief and/or only crisis oriented contact with and/or services from the County may be considered unserved.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: Welfare and Institutions Code Sections 5840 et seq.~~

~~Article 3 GENERAL REQUIREMENTS~~

~~Section 3310. Components of the Three-Year Program and Expenditure Plan.~~

~~(a) To receive MHSA funds under this Chapter, the County shall submit a Three-Year Program and Expenditure Plan.~~

~~(1) When a city-operated program created pursuant to Welfare and Institutions Code Section 5701.5, submits a Three-Year Program and Expenditure Plan separate from the County in which it is located, the Three-Year Program and Expenditure Plans of both the County and the City shall demonstrate that:~~

- ~~(A) The Three-Year Program and Expenditure Plans of both the County and the City were developed in partnership with one another, and~~
- ~~(B) The Three-Year Program and Expenditure Plans of both the County~~

and City are consistent with the county's overall priorities in addressing mental health needs as identified in the Community Program Planning process.

- (b) ~~The Three-Year Program and Expenditure Plan shall address each of the following components, in accordance with the requirements set forth by the Department:~~
 - (1) ~~Community Services and Supports, formerly known as "Systems of Care," for:~~
 - (A) ~~Children and Youth, as defined in Section 3200.030.~~
 - (B) ~~Transition Age Youth, as defined in Section 3200.150.~~
 - (C) ~~Adults, as defined in Section 3200.010.~~
 - (D) ~~Older Adults, as defined in Section 3200.120.~~
 - (2) ~~Capital Facilities and Technological Needs.~~
 - (3) ~~Education and Training.~~
 - (4) ~~Prevention and Early Intervention.~~
 - (5) ~~Innovative Programs.~~
- (c) ~~The County shall update the Three-Year Program and Expenditure Plan at least annually.~~
- (d) ~~The County shall develop the Three-Year Program and Expenditure Plan and updates in collaboration with stakeholders through the Community Program Planning process.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. References: Section 5847(a)(1) through (6) and (d), 5848(a), and 5897, Welfare and Institutions Code.~~

Article 4 FUNDING PROVISIONS

Section 3400. Allowable Costs and Expenditures.

- (a) ~~MHSA funds shall only be used to establish or expand services and/or supports allowed pursuant to one of the components specified in Section 3310(b) and for Community Program Planning.~~
- (b) ~~Programs and/or services provided with MHSA funds shall:~~
 - (1) ~~Offer mental health services and supports to individuals with severe mental illness and/or severe mental disorders.~~
 - (2) ~~Be designed for voluntary participation. No person shall be denied access based solely on his/her voluntary or involuntary legal status.~~
 - (3) ~~Comply with the non-supplant requirement of Section 3410.~~
- (c) ~~To the extent allowed under (a) and (b) of this Section, the County may use MHSA funds to match other funding sources, such as Medi-Cal and the Healthy Families~~

~~Program. The County shall not submit requests for MHSA funding solely for the purpose of increasing reimbursement for Medi-Cal or the Healthy Families Program.~~

- ~~(d) The County shall not be reimbursed for expenditures that occurred prior to January 1, 2005.~~
 - ~~(1) County shall be reimbursed for expenditures incurred after January 1, 2005 only with prior state approval.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. References: 5813.5(b), 5878.3(a), 5891, and 5892, Welfare and Institutions Code.~~

~~**Section 3405. Allowable Use of Funds in the Service Categories of the Community Services and Supports.**~~

- ~~(a) The Community Services and Supports component of the Three-Year Program and Expenditure Plan contains three service categories:~~

- ~~(1) Full Service Partnerships.~~
- ~~(2) General System Development.~~
- ~~(3) Outreach and Engagement.~~

- ~~(b) On condition that the County conforms to the non-supplant requirements in Section 3410, the County may do the following when providing services under the Full Services Partnership Service Category:~~

- ~~(1) Pay for the full spectrum of community services, in addition to mental health services, when such services are cost effective and consistent with the Individual Services and Supports Plan.~~

- ~~(c) In addition to the non-supplant requirements in Section 3410, the following conditions must be met when using MHSA funds to provide services under General Service Development and Outreach and Engagement Service Categories:~~

- ~~(1) General System Development. The County shall use these funds only for the purposes of providing mental health services and supports to individuals with mental illness and their families.~~

- ~~(A) Where the County works in collaboration with other non-mental health community programs and/or services, only the costs directly associated with providing mental health services and supports shall be paid under the General System Development Service Category.~~

- ~~(2) Outreach and Engagement Services. The County shall use funds in this~~

~~category only for activities to reach unserved populations.~~

- ~~(A) The County may pay for food, clothing, and shelter in the Outreach and Engagement Service Category only when the purpose is to engage unserved individuals in the mental health service system.~~
- ~~(B) The County shall use these funds only for the purposes of providing mental health services and supports to individuals with mental illness and their families.~~
 - ~~(i) Where the County works in collaboration with other non-mental health community programs and/or services, only the costs directly associated with providing mental health services and supports shall be paid under the Outreach and Engagement Service Category.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. Reference: 5878.3(a), and 5813.5(b), Welfare and Institutions Code.~~

~~**Section 3410. Non-Supplant.**~~

- ~~(a) Funds distributed under this Chapter shall not be used to provide services and/or programs that were in existence on November 2, 2004, except to:~~
 - ~~(1) Expand mental health services and/or program capacity beyond those that were provided.~~
 - ~~(2) Continue programs funded in fiscal year 2004-2005 with bridge funding, as defined in Section 3200.020~~
- ~~(b) Funds distributed under this Chapter shall not be used to supplant state or county funds required to be used for services and/or supports that were in existence in fiscal year 2004-2005. The only exceptions to this limitation are:~~
 - ~~(1) The ten (10) percent of Realignment funds, pursuant to Welfare and Institutions Code Section 17600.20, that the County may reallocate by transferring in or out of its mental health account. If the County reallocates ten (10) percent of the Realignment funds out of the mental health account, the County shall adhere to subsection (a) above.~~
 - ~~(2) The County funds exceeding the amount required to be deposited into the mental health account in 2004-2005, pursuant to Welfare and Institutions Code Section 17608.05. If the County elects to reduce funds exceeding the amount required to be deposited into the mental health account in 2004-2005, the County shall adhere to subsection (a) above.~~
- ~~(c) The County shall not use MHSA funds to pay the costs associated with inflation for programs and/or services that were in existence on November 2, 2004.~~

~~(d) The County shall not loan MHSA funds for any purpose.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. References: Section 5891 and 5892, Welfare and Institutions Code.~~

~~**Section 3415. Non-Supplant Reporting Requirements.**~~

~~(a) The Three Year Program and Expenditure Plan shall include certification by the County Director that the County will comply with Section 3410.~~

~~(b) The County shall maintain documentation of all fund expenditures, and provide such documentation to the Department annually, and more frequently, upon request.~~

~~(1) The County shall document expenditures using cost reports.~~

~~(2) The County Director shall certify on the annual cost report that:~~

~~(A) MHSA funds were used in compliance with Section 3410.~~

~~(B) Other mental health funds required to be used to provide services in fiscal year 2004-2005 were used for that required purpose.~~

~~(c) The County shall submit documentation if bridge funding was used.~~

~~(1) The documentation shall specify the programs funded and the services provided, and a statement that these services were identified as a priority in the Community Program Planning process.~~

~~(2) Acceptable documentation includes, but is not limited to: a resolution from the County Board of Supervisors, certification by the County Director, or other official documentation indicating the County's intent to use bridge funding.~~

~~NOTE: Authority cited: Section 5898, Welfare and Institutions Code. References: Section 5891 and 5892, Welfare and Institutions Code.~~