

**MENTAL HEALTH/DEVELOPMENTAL SERVICES COLLABORATIVE  
MINUTES OF MEETING OF MARCH 2, 2011**

Attendees:

Alta RC	Olivia Balcao
GCRC	Hal Kirklin
HRC	Michael Tredinnick
NBRC	Alfonso Carmona
RCRC	Kathleen Kasmire
SDRC	Carlos Flores
SGPRC	Steve Mouton
WRC	Thompson Kelly

Mosaic	Peggie Webb
Telecare	Ann Christen
Private Practice	Barbara Devaney

DMH - City of Berkeley	Beth Meyerson
DMH – Los Angeles County	Irma Castaneda
SELPA - Napa County	Shelton Yip
SELPA – Yuba County	Rusty Gordon
DDS	JoEllen Fletcher
ARCA	Bob Baldo, Joan Hoss, David Riester

By Telephone:

SGPRC	Keith Penman
VMRC	Nicole Weiss
CA Hospital Assn	Sheree Kruckenberg

The meeting was chaired by Carlos Flores. ARCA Forensic Committee members were invited to this meeting. Following introductions and review of prior meeting minutes, the following matters were discussed.

1. Announcements:

- The San Diego Solutions Building Conference on Forensic Issues affecting the Dually Served will be held on April 15, 2011.
- The Westside Regional Center Conference entitled “Seeking Success, Building Bridges: Best Practices in Assessment, Management and Intervention for Developmental Disabilities and Mental Health” will be held in Los Angeles on April 15, 2011.
- The group was encouraged to review AB 1348 (Monsoor) which would require parental consent prior to any school mental health screening.
- The Laurel Bay Mental Health Rehabilitation Center, a 15-bed secure treatment facility to be operated in Alameda by Telecare, will soon be under construction.

2. Consultant Report:

Joan Hoss and David Riester reported that, with guidance from the Collaborative and a local planning group, a very successful conference on collaboration in service to challenging children was held in Pasadena on December 7, 2010. There were 500 participants at the conference which was funded by an MHS grant from DDS. The next conference on collaboration will be held on June 7, again in Pasadena.

3. Budget, Legislative and Policy Updates:

a. Developmental Services – Bob Baldo

The Legislature is considering the Governor's proposal to reduce the developmental service system's General Fund budget by \$500M. Additional cuts will be necessary if temporary tax measures ending on June 30 are not extended by the voters. Governor Brown proposes a five-year extension of those tax measures. Actions proposed to create the savings include: the establishment of standards for the purchase of certain services; continuation of a 4.25% reduction in service provider rates and in regional center operations; and capping administrative costs for service providers and regional centers at 15%. There will also be trailer bill language to improve accountability and transparency in response to a Bureau of State Audits report issued last year. The Governor's Budget also anticipates \$65M in new federal revenue by securing approval for a Medicaid State Plan amendment covering those regional center clients not meeting criteria for existing HCBS Medicaid waiver. DDS will also be seeking federal reimbursement for services to individuals placed in the Porterville Developmental Center Secure Treatment Program.

b. Mental Health – Beth Meyerson, Joan Hoss

The Governor, in response to the state's \$25B budget deficit, also proposes major changes in the mental health system.

- Control of mental health services would be further realigned from the state to the counties. Necessary funding would be guaranteed for the five-year life of the tax extensions, but there is no guarantee for year six and beyond.
- For FY 11-12, MHSA funds in the amount of \$861M will replace General Fund monies for core services.
- MHSA oversight at the state level will be dramatically reduced, resulting in the loss of personnel at DMH, but greater authority and flexibility at the local level.

Beth also reported that county mental health programs must bill other insurance programs including Medicare and must receive denials prior to billing Medi-Cal. This requirement has a huge negative impact on local cash flow. Also, the state delays paying legitimate county mental health claims while accruing interest on the federal reimbursement. State checks

to county mental health agencies contain no itemization of the claims those checks cover.

4. Mental Health Service Act Grants – JoEllen Fletcher

DDS has received MHSA funds for a new round of three-year grants to regional centers. There are 14 projects under consideration for a portion of the available \$1M.

5. Accessing Federal Funds

Ann Christen reported that DMH may be seeking a Medicaid waiver to cover MHRC services in facilities with capacity of fifteen or less. Nebraska and Oregon are reportedly receiving federal funds for secure treatment in community settings.

6. Forensic Issues

There is no current legal authority permitting secure (locked) treatment for an individual who is developmentally disabled, but who has no diagnosis of mental retardation or mental illness. The exceptions to this statement offer time-limited solutions. Penal Code Section 1370.1 authorizes “restoration of competency” treatment for a person found to be “developmentally disabled” and incompetent to stand trial. Upon determination that competency cannot be restored or the passage of three years of treatment without “restoration of competency,” 1370.1’s hold provisions no longer apply. If the person has mental retardation, continued hold can be authorized by invoking Welfare and Institution Code section 6500. An LPS conservatorship can be obtained if the individual has a severe mental illness and is dangerous to self or others or is gravely disabled. A few judges have permitted admission to Porterville Developmental Center under WIC 4507 which refers to danger to self and others and developmental disabilities (a term considerably broader than mental retardation).

This is a low frequency, high-intensity problem. Expanding WIC 6500 beyond mental retardation would meet resistance from advocacy groups. Therefore, the Collaborative will invite Catherine Blakemore to attend our next meeting. Ms. Blakemore is the Director of Disability Rights California, the state’s federally funded protection and advocacy agency. The Collaborative will also research the handling of this problem by other states. Several states have closed all of their large institutions for people with developmental disabilities. How are these states serving dangerous individuals effectively in smaller community settings?

The Collaborative will also continue efforts to dialogue with the State Judges Association and the Judicial Council.

7. Next Meeting – The next meeting of the MH/DS Collaborative will be held at the Capitol Plaza Holiday Inn on Wednesday, June 1, from 10:00 a.m. – 2:00 p.m. The ARCA Forensic Committee will be invited to this meeting as well.

Submitted by: David Riester