



PA 22-69—HB 5419

Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES' RECOMMENDATIONS REGARDING REGIONAL BEHAVIORAL HEALTH ACTION ORGANIZATIONS

SUMMARY: In 2017 and 2018, the Department of Mental Health and Addiction Services (DMHAS) reorganized existing Regional Action Councils, which focused on substance abuse prevention, and Regional Mental Health Boards. DMHAS replaced them with five Regional Behavioral Health Action Organizations (RBHAOs), one for each of the state's designated mental health regions.

This act codifies existing practice by allowing the DMHAS commissioner to contract with one or more nonprofit organizations to operate as RBHAOs (one for each of the state's mental health regions) and repeals the laws that established the prior councils and boards. It requires each RBHAO to serve as a strategic community partner responsible for (1) behavioral health planning, education, and promotion; (2) coordinating behavioral health issues prevention; and (3) advocacy for behavioral health needs and services within its mental health region. The act gives the RBHAOs certain duties and, in doing so, requires them to solicit advice and input from the community.

The act also makes several corresponding statutory changes to effectuate the transfer of duties from the prior boards and councils to the RBHAOs. For example, it requires the RBHAOs, rather than the boards or councils as applicable, to (1) designate individuals to serve on certain entities and (2) consult with DMHAS on the department's development of the state's substance abuse prevention and treatment plan.

The act makes other related changes, such as (1) as of October 1, 2022, reducing the membership of the state's Board of Mental Health and Addiction Services and making other changes affecting the board (§ 4) and (2) specifying that 51 to 60% of the total catchment area council membership must be people with lived experience of a behavioral health disorder, not just consumers generally (§ 9). (These councils study and evaluate the delivery of mental health services in their respective areas.)

The act also makes related minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage, except the provisions on the Board of Mental Health and Addiction Services take effect October 1, 2022.

§ 1 — RBHAO DUTIES

The act requires each RBHAO to fulfill the following duties within its mental health region:

1. assess the behavioral health needs of children, adolescents, and adults and

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- engage with stakeholders to identify needs, problems, barriers, and gaps in the behavioral health service continuum;
2. enhance local community capacity to understand and address problem gambling;
 3. raise awareness of and advocate to the public for mental health promotion and substance abuse prevention, treatment, and recovery;
 4. receive and expand federal, state, and local funds and leverage funds to support behavioral health promotion, prevention, treatment, and recovery activities;
 5. serve on local, regional, and state advisory and planning bodies;
 6. within available appropriations, provide training in administering opioid antagonists (e.g., Narcan) and distribute them to communities;
 7. report community needs, program review findings, and conclusions annually to the relevant local, regional, and state stakeholders with recommendations to establish, modify, or expand behavioral health services; and
 8. serve as the regional partner responsible for coordinating and aligning federal, state, regional, and local behavioral health initiatives.

The act requires each RBHAO, in fulfilling these duties, to solicit advice from community members, who must at least include the following:

1. elected officials;
2. parents and youths;
3. faith-based, youth-serving, educational, and media organizations;
4. law enforcement professionals or organizations;
5. health care professionals and behavioral health treatment providers;
6. people with lived experience of behavioral health issues and their family members;
7. businesses and civic or fraternal groups; and
8. other interested people or organizations.

§§ 2-30 — CORRESPONDING STATUTORY CHANGES AND TRANSFER OF DUTIES

The act makes several changes throughout the statutes to effectuate the transfer of duties from Regional Action Councils and Regional Mental Health Boards to RBHAOs. It replaces several statutory references to the councils or boards with references to RBHAOs, and transfers several of their duties to the RBHAOs. These include, among other things:

1. submitting a plan to the Department of Public Health (DPH), with specified information, before receiving state funds for tobacco education, reduction, or prevention efforts (§ 2);
2. consulting with the DMHAS commissioner on certain matters, such as the commissioner's triennial update of a comprehensive plan for substance abuse prevention, treatment, and reduction (§ 3);
3. reviewing applications (along with DMHAS) and making recommendations when a hospital, municipality, or nonprofit organization applies for

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DMHAS funds to establish, expand, or maintain psychiatric or mental health services (§ 6);

4. receiving reports and recommendations from the catchment area councils (§ 9); and
5. entering into agreements with DMHAS to provide services for chronic gamblers (§ 10).

Under prior law, applicants for a DPH license to operate a community residence for up to eight adults with mental illness had to send a copy of the application to the Regional Mental Health Board as well as DPH. The act removes references to the board for this purpose and does not require applicants to send a copy to the RBHAO (§ 12).

Board of Mental Health and Addiction Services (§ 4)

Starting October 1, 2022, the act makes several changes to the membership of the state’s Board of Mental Health and Addiction Services. Specifically, it removes from the board the following members generally designated by the Regional Action Councils and Regional Mental Health Boards repealed by the act:

1. the chairpersons of the boards and one designee of each board;
2. two designees from each of the five subregions represented by the councils;
3. one designee from each mental health region, representing individuals with psychiatric disabilities, selected by the boards in collaboration with advocacy groups; and
4. one designee from each of the five subregions represented by the councils, representing individuals recovering from substance use disorders and selected by the councils in collaboration with advocacy groups.

The act replaces these members with five appointed by the DMHAS commissioner, each representing an RBHAO, and makes conforming changes.

The act also makes certain substantive and minor changes to the qualifications for the governor’s 19 appointees to the board, as shown in the table below.

Governor’s Appointees to Board of Mental Health and Addiction Services

<i>Qualifications Under Prior Law</i>	<i>Qualifications Under the Act Starting October 1, 2022</i>
Five with experience in the field of substance use disorders	Five with lived experience with substance use disorders
Five from the mental health community	Five with lived experience with a mental health diagnosis
Three state-licensed physicians with experience in psychiatry	Five state-licensed behavioral health practitioners
Two state-licensed psychologists	
Two people representing families of individuals with behavioral health disorders (formerly psychiatric disabilities)	Same as prior law

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<i>Qualifications Under Prior Law</i>	<i>Qualifications Under the Act Starting October 1, 2022</i>
Two people representing families of individuals recovering from substance use disorders	

The act also requires the governor to appoint a board chairperson from among the members.