

IN THE SENATE

SENATE BILL NO. 1023

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO BEHAVIORAL HEALTH SERVICES; AMENDING THE HEADING FOR CHAPTER
2 31, TITLE 39, IDAHO CODE; REPEALING SECTION 39-3123, IDAHO CODE, RE-
3 LATING TO DECLARATION OF POLICY; AMENDING CHAPTER 31, TITLE 39, IDAHO
4 CODE, BY THE ADDITION OF A NEW SECTION 39-3122, IDAHO CODE, TO PROVIDE
5 DECLARATION OF POLICY; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY
6 THE ADDITION OF A NEW SECTION 39-3123, IDAHO CODE, TO PROVIDE DEFINI-
7 TIONS; AMENDING SECTION 39-3124, IDAHO CODE, TO REVISE TERMINOLOGY AND
8 TO PROVIDE FOR STATE SUBSTANCE USE DISORDER AUTHORITY; AMENDING SECTION
9 39-3125, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE, TO REVISE
10 TERMINOLOGY AND TO REVISE PROVISIONS RELATING TO DUTIES AND APPOINT-
11 MENT OF THE STATE BEHAVIORAL HEALTH PLANNING COUNCIL; AMENDING SECTION
12 39-3126, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-3127,
13 IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-3128, IDAHO
14 CODE, TO REVISE TERMINOLOGY AND TO REVISE BEHAVIORAL HEALTH SERVICES
15 TO BE OFFERED; AMENDING SECTION 39-3129, IDAHO CODE, TO REVISE TERMI-
16 NOLOGY; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF
17 A NEW SECTION 39-3130, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF
18 REGIONAL BEHAVIORAL HEALTH BOARDS; AMENDING CHAPTER 31, TITLE 39, IDAHO
19 CODE, BY THE ADDITION OF A NEW SECTION 39-3131, IDAHO CODE, TO PROVIDE
20 FOR AN EXECUTIVE COMMITTEE OF THE REGIONAL BEHAVIORAL HEALTH BOARDS;
21 AMENDING SECTION 39-3130, IDAHO CODE, TO REDESIGNATE THE SECTION, TO
22 REVISE TERMINOLOGY AND TO PROVIDE FOR MEMBERS, TERMS AND APPOINTMENTS
23 FOR THE REGIONAL BEHAVIORAL HEALTH BOARDS; REPEALING SECTION 39-3131,
24 IDAHO CODE, RELATING TO TERMS, VACANCIES AND COMPENSATION; AMENDING
25 SECTION 39-3132, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE
26 TERMINOLOGY AND TO REVISE PROVISIONS RELATING TO POWERS AND DUTIES OF
27 THE HEALTH BOARDS; AMENDING SECTION 39-3133, IDAHO CODE, TO REDESIG-
28 NATE THE SECTION, TO REVISE TERMINOLOGY AND TO PROVIDE FOR A DIVISION
29 ADMINISTRATOR FOR EACH REGIONAL BEHAVIORAL HEALTH CENTER; AMENDING
30 SECTION 39-3134, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE
31 TERMINOLOGY; REPEALING SECTION 39-3134A, IDAHO CODE, RELATING TO COOP-
32 ERATIVE SERVICE PLAN COMPONENT; AMENDING SECTION 39-3135, IDAHO CODE,
33 TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING SECTION
34 39-3136, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOL-
35 OGY; AMENDING SECTION 39-3137, IDAHO CODE, TO REDESIGNATE THE SECTION
36 AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-3138, IDAHO CODE, TO
37 REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING SECTION
38 39-3139, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOL-
39 OGY; AND AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A
40 NEW SECTION 39-3141, IDAHO CODE, TO PROVIDE FOR RULEMAKING AUTHORITY.
41

42 Be It Enacted by the Legislature of the State of Idaho:

1 SECTION 1. That the Heading for Chapter 31, Title 39, Idaho Code, be,
2 and the same is hereby amended to read as follows:

3 CHAPTER 31
4 REGIONAL ~~MENTAL~~ BEHAVIORAL HEALTH SERVICES

5 SECTION 2. That Section 39-3123, Idaho Code, be, and the same is hereby
6 repealed.

7 SECTION 3. That Chapter 31, Title 39, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 39-3122, Idaho Code, and to read as follows:

10 39-3122. DECLARATION OF POLICY. It is the policy of this state to pro-
11 vide treatment services for its citizens living with mental illness and/or
12 substance use disorder. These illnesses cause intense human suffering and
13 severe social and economic loss to the state. Regional behavioral health
14 services, providing early and appropriate diagnosis and treatment, have
15 proven to be effective in reducing the adverse impact of these conditions and
16 valuable in creating the possibility of recovery. Acknowledging the policy
17 of the state to provide behavioral health services to all citizens in need
18 of such care, it is the purpose of this chapter to delegate to the state be-
19 havioral health authority the responsibility and authority to establish and
20 maintain regional behavioral health services in order to extend appropriate
21 mental health and substance use disorder treatment services to its citizens
22 within all regions of the state.

23 SECTION 4. That Chapter 31, Title 39, Idaho Code, be, and the same is
24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
25 ignated as Section 39-3123, Idaho Code, and to read as follows:

26 39-3123. DEFINITIONS. (1) "Behavioral health" means a person's over-
27 all emotional and psychological condition, including a person's cognitive
28 and emotional capabilities, the ability to function in society and other
29 skills needed to meet the ordinary demands of everyday life. It also de-
30 scribes the evaluation and treatment of a person's combined mental health
31 and substance use.

32 (2) "Region" means the administrative regions as defined by the depart-
33 ment of health and welfare. Two (2) or more regions may consolidate for the
34 purposes of this chapter.

35 (3) "Serious and persistent mental illness" means a medical condition
36 of the brain in an adult age eighteen (18) or older that disrupts the person's
37 thinking, feeling, mood, ability to relate to others and daily functioning;
38 is recognized as a diagnosis in the most current version of the American psy-
39 chiatric association's diagnostic and statistical manual of mental disor-
40 ders (DSM); must be of sufficient severity to cause a substantial distur-
41 bance in role performance or coping skills in at least two (2) of the follow-
42 ing functional areas in the preceding six (6) months:

- 43 (a) Vocational or educational, or both;
44 (b) Financial;
45 (c) Social relationships or support, or both;

- 1 (d) Family;
 2 (e) Basic daily living skills;
 3 (f) Housing;
 4 (g) Community or legal, or both;
 5 (h) Health or medical, or both;

6 and requires sustained treatment interventions.

7 (4) "Serious emotional disturbance" means an emotional or behavioral
 8 disorder or a neuropsychiatric condition in a child under the age of eighteen
 9 (18) years that results in a serious disability and that requires sustained
 10 treatment interventions and causes the child's functioning to be impaired in
 11 thought, perception, effect or behavior. A disorder shall be considered to
 12 result in a serious disability if it causes substantial impairment of func-
 13 tioning in the family, school or community. A substance abuse disorder does
 14 not, by itself, constitute a serious emotional disturbance although it may
 15 coexist with a serious emotional disturbance.

16 (5) "Serious mental illness" means a medical condition of the brain in
 17 an adult age eighteen (18) years or older that disrupts the person's think-
 18 ing, feeling, mood, ability to relate to others and daily functioning; is
 19 recognized as a diagnosis in the most current version of the DSM; and re-
 20 quires sustained treatment interventions.

21 (6) "State behavioral health authority" means the department of health
 22 and welfare division responsible for mental health and substance use disor-
 23 ders treatment under the state behavioral health systems plan.

24 (7) "State behavioral health planning council" means Idaho's coun-
 25 cil of consumers, advocates and professionals charged with reviewing the
 26 state's behavioral health system and advising the governor, legislature
 27 and agency leaders on the successes and challenges of the behavioral health
 28 system in Idaho.

29 (8) "State behavioral health systems plan" means the state plan re-
 30 quired for federal mental health and substance use disorder funding exclud-
 31 ing any medicaid plan for the same services.

32 (9) "Substance use disorder" means the misuse or excessive use of alco-
 33 hol or other drugs or substances that significantly impact an individual's
 34 functioning.

35 SECTION 5. That Section 39-3124, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 39-3124. DESIGNATION OF STATE MENTAL HEALTH AUTHORITY AND STATE SUB-
 38 STANCE USE DISORDER AUTHORITY. The Idaho department of health and welfare is
 39 hereby designated the state mental health authority and the state substance
 40 use disorder authority, hereinafter referred to as the behavioral health
 41 authority. The ~~state mental~~ behavioral health authority is responsible for
 42 taking into consideration and incorporating the recommendations and eval-
 43 uations of the state behavioral health planning council ~~on mental health~~
 44 and the regional ~~mental~~ behavioral health boards in all statewide efforts
 45 to expand, improve, modify or transform the mental health and substance use
 46 disorder service delivery system of the state. The state ~~mental~~ behavioral
 47 health authority shall identify the resources necessary for these efforts to
 48 be implemented on a statewide basis.

1 SECTION 6. That Section 39-3125, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 39-3125. STATE BEHAVIORAL HEALTH PLANNING COUNCIL ON MENTAL
4 HEALTH. (1) A state behavioral health planning council, hereinafter re-
5 ferred to as the planning council, shall be established to serve as an
6 advocate for adults with a ~~severe serious~~ mental illness, and for children
7 with a ~~seriously~~ emotional ~~ly disturbed children~~ disturbance and youth for
8 adults and children with substance use disorders; to advise the state ~~mental~~
9 behavioral health authority on issues of concern, on policies and on pro-
10 grams and to provide guidance to the ~~mental~~ behavioral health authority in
11 the development and implementation of the state ~~mental~~ behavioral health
12 systems plan; to monitor and evaluate the allocation and adequacy of ~~mental~~
13 behavioral health services within the state on an ongoing basis; to monitor
14 and evaluate the effectiveness of state laws that address mental health
15 and substance use services; to ensure that individuals with ~~severe serious~~
16 mental illness, and serious emotional disturbances and/or substance use
17 disorders have access to prevention, treatment, prevention and rehabilita-
18 tion services including those services that go beyond the traditional mental
19 health system; to serve as a vehicle for intra-agency and interagency policy
20 and program development; and to present to the governor and the legislature
21 by June 30 of each year a report on the council's achievements activities and
22 the ~~impact on the quality of life that mental~~ an evaluation of the current
23 effectiveness of the behavioral health services ~~has on citizens of~~ provided
24 directly or indirectly by the state.

25 (2) The planning council shall be appointed by the governor and be com-
26 prised of no ~~less~~ more than fifty percent (50%) ~~family members and consumers~~
27 ~~with mental illness~~ state employees or providers of behavioral health ser-
28 vices. Membership shall also reflect to the extent possible the collective
29 demographic characteristics of Idaho's citizens. The planning council
30 membership shall ~~strive to~~ include representation from consumers, families
31 of adult individuals with ~~severe serious~~ mental illness or substance use
32 disorders; families of children or youth with serious emotional disturbance
33 or substance use disorders; principal state agencies including the judi-
34 cial branch with respect to ~~mental~~ behavioral health, education, vocational
35 rehabilitation, ~~eriminal justice~~ adult correction and juvenile justice,
36 title XIX of the social security act and other entitlement programs; public
37 and private entities concerned with the need, planning, operation, funding
38 and use of mental health services or substance use disorders, and related
39 support services; and the regional ~~mental~~ behavioral health board in each
40 department of health and welfare region as provided for in section 39-3130~~2~~,
41 Idaho Code. The planning council may include members of the legislature and
42 the state judiciary.

43 (3) The planning council members will serve a term of two (2) years or
44 at the pleasure of the governor, provided however, that of the members first
45 appointed, one-half (1/2) of the appointments shall be for a term of one (1)
46 year and one-half (1/2) of the appointments shall be for a term of two (2)
47 years. The governor will appoint a chair and a vice-chair whose terms will be
48 two (2) years.

49 (4) The council may establish subcommittees at its discretion.

1 SECTION 7. That Section 39-3126, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 39-3126. DESIGNATION OF ~~REGIONS FOR COMPREHENSIVE MENTAL~~ REGIONAL
4 BEHAVIORAL HEALTH SERVICES CENTERS. Recognizing both the right of every
5 citizen to the best ~~mental behavioral~~ health services that the state is able
6 to provide and the disproportionate ability of counties to finance ~~mental~~
7 behavioral health services, the state ~~mental behavioral~~ health author-
8 ity shall designate regions and be responsible for establishing regional
9 ~~comprehensive mental behavioral health services centers~~ for all areas of
10 the state. In the establishment of regions, primary consideration will be
11 given to natural population groupings and ~~trading service~~ areas, the regions
12 previously designated for the establishment of other health services, the
13 ~~mental behavioral~~ health needs of the people within the proposed regions,
14 and the appropriate maximal use of available funding.

15 SECTION 8. That Section 39-3127, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 39-3127. RECIPROCAL AGREEMENTS BETWEEN STATES TO SHARE SERVICES. In
18 such regions where natural population groupings overlap state boundaries,
19 an interstate regional comprehensive mental behavioral health service
20 may be established jointly with a neighboring state or states. In such
21 instances, the state ~~mental behavioral~~ health authority may enter into re-
22 ciprocal agreements with these states to either share the expenses of the
23 service in proportion to the population served; to allow neighboring states
24 to buy services from Idaho; or to allow Idaho to purchase services that are
25 otherwise not available to ~~her~~ its citizens.

26 SECTION 9. That Section 39-3128, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 39-3128. BEHAVIORAL HEALTH SERVICES TO BE OFFERED. ~~A The regional~~
29 ~~mental behavioral health service center shall include one (1) or more of~~
30 ~~the provide or arrange for the delivery of services that, combined with~~
31 ~~community recovery support provided through the regional behavioral health~~
32 ~~boards, medicaid and services delivered through a private provider net-~~
33 ~~work, will leading to the establishment of a regional comprehensive mental~~
34 ~~regional behavioral health center system of care. A comprehensive mental~~
35 The regional behavioral health center may include such shall provide or ar-
36 range for the delivery of the following services as:

37 (1) ~~Short-term hospitalization for psychiatric treatment in an ap-~~
38 ~~proved medical facility within the region~~ Evaluation and intervention for
39 individuals experiencing a behavioral health emergency;

40 (2) ~~Partial hospitalization~~ Hospital precare and postcare services, in
41 cooperation with state and community psychiatric hospitals, for individuals
42 who have been committed to the custody of the director of health and welfare
43 pursuant to sections 18-212 and 66-329, Idaho Code, or who are under an in-
44 voluntary treatment order pursuant to chapter 24, title 16, Idaho Code;

1 ~~(3) Outpatient diagnosis and treatment~~ Evaluation and securing mental
 2 health treatment services for individuals who have been ordered by a court
 3 pursuant to section 19-2524, 20-511A or 20-519B, Idaho Code;

4 ~~(4) 24-hour emergency psychiatric services~~ Evaluation and securing
 5 treatment services for individuals who are jointly accepted into mental
 6 health courts by the court and the department;

7 ~~(5) Community consultation and education~~ Treatment services to adults
 8 with a serious and persistent mental illness, adults with a substance use
 9 disorder, children with a serious emotional disturbance and children with a
 10 substance use disorder who do not have any other benefits available to meet
 11 their behavioral health needs as resources allow including, but not limited
 12 to, psychiatric services, medication management, outpatient and intensive
 13 outpatient services, assertive community treatment, case management and
 14 residential care; and

15 ~~(6) Diagnostic services for other agencies;~~ Community recovery support
 16 services as defined in section 39-3133(8), Idaho Code, until the regional
 17 behavioral health board can meet the criteria necessary to be responsible
 18 for these services.

19 ~~(7) Rehabilitative services;~~

20 ~~(8) Precare and postcare services in cooperation with a state mental~~
 21 ~~hospital;~~

22 ~~(9) Training of mental health personnel;~~

23 ~~(10) Research and evaluation;~~

24 ~~(11) Transitional housing for individuals, including juveniles, with~~
 25 ~~mental illness and/or addiction disorders to promote and sustain the ability~~
 26 ~~of these individuals to live in the community and avoid institutionaliza-~~
 27 ~~tion; and~~

28 ~~(12) Intensive supportive services such as those delivered by assertive~~
 29 ~~community treatment teams. Assertive community treatment teams provide in-~~
 30 ~~dividualized treatment, rehabilitation and support services to the severely~~
 31 ~~and persistently mentally ill.~~

32 SECTION 10. That Section 39-3129, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 39-3129. PETITION FOR REGIONAL SERVICES. Petition for regional ~~mental~~
 35 behavioral health services may be made to the state ~~mental~~ behavioral health
 36 authority through the regional ~~mental~~ behavioral health board. The peti-
 37 tion may be submitted by units of government within the region, by public and
 38 private agencies or professional associations serving within the region, or
 39 by a private, nonprofit corporation formed by citizens of that region for
 40 the purpose of planning for, petitioning for and securing ~~mental~~ behavioral
 41 health services for that region. The petition shall contain: (1) an iden-
 42 tification of the petitioning group or groups; (2) a statement of the ~~mental~~
 43 unmet behavioral health needs of the region; and (3) ~~an outline of the plan-~~
 44 ning a plan for serving such unmet need for ~~mental~~ behavioral health services
 45 already accomplished in the region.

46 SECTION 11. That Chapter 31, Title 39, Idaho Code, be, and the same is
 47 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 48 ignated as Section 39-3130, Idaho Code, and to read as follows:

1 39-3130. REGIONAL BEHAVIORAL HEALTH BOARDS -- ESTABLISHMENT. There is
2 hereby created and established in each of the department of health and wel-
3 fare regions a regional behavioral health board. The regional behavioral
4 health board is authorized to provide the community recovery support ser-
5 vices identified in section 39-3133(8), Idaho Code. The services identified
6 in section 39-3133(8), Idaho Code, shall not be construed to restrict the
7 services of the regional behavioral health board solely to these categories.

8 SECTION 12. That Chapter 31, Title 39, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 39-3131, Idaho Code, and to read as follows:

11 39-3131. EXECUTIVE COMMITTEE OF THE REGIONAL BEHAVIORAL HEALTH
12 BOARDS. Each regional behavioral health board shall annually elect from
13 within its membership an executive committee of five (5) members empowered
14 to make fiscal, legal and business decisions on behalf of the board. The
15 executive committee membership shall be representative of the regional
16 behavioral health board membership and must, at a minimum, include one (1)
17 mental health consumer or advocate and one (1) substance use disorder con-
18 sumer or advocate.

19 SECTION 13. That Section 39-3130, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 39-3130~~2~~. REGIONAL MENTAL BEHAVIORAL HEALTH BOARD -- MEMBERS -- TERMS
22 -- APPOINTMENT. A regional mental behavioral health board for each region
23 shall consisting of seventeen twenty-one (17~~21~~) members is hereby created
24 and shall be appointed as provided herein. Members shall be qualified elec-
25 tors and shall represent comprised of the following: three (3) county com-
26 missioners; two (2) department of health and welfare employees who represent
27 the mental behavioral health system within the region; two one (2~~1~~) parents
28 of a children with a serious emotional disturbance, as defined in section
29 16-2403, Idaho Code, provided each parent's respective child is no older
30 than twenty-one (21) years of age at the time of appointment; one (1) parent
31 of a child with a substance use disorder; a law enforcement officer; three
32 one (3~~1~~) adult mental health services consumer representatives, advocates
33 or family members; one (1) mental health advocate; one (1) substance use
34 disorder advocate; one (1) adult substance use disorder services consumer
35 representative; one (1) family member of an adult mental health services
36 consumer; one (1) family member of an adult substance use disorder services
37 consumer; a private provider of mental health services within the region;
38 a private provider of substance use disorder services within the region;
39 a representative of the elementary or secondary public education system
40 within the region; a representative of the juvenile justice system within
41 the region; a representative of the adult correction system within the re-
42 gion; a physician or other licensed health practitioner from within the
43 region; and a representative of a hospital within the region; and a member
44 of the regional advisory substance abuse authority. The consumer, parent
45 and family representatives shall be selected from nominations submitted by
46 mental behavioral health consumer and advocacy organizations. The board may
47 have nonvoting members as necessary to fulfill its roles and responsibili-

1 ties. The board shall meet at least twice each year, and shall annually elect
 2 a chairperson and other officers as it deems appropriate.

3 The appointing authority in each region shall be a committee composed
 4 of the chairperson of the board of county commissioners of each of the coun-
 5 ties within the region, ~~the regional mental health program manager for the~~
 6 ~~department of health and welfare and the regional director for on the effec-~~
 7 ~~tive date of this chapter, the current chair of the regional mental health~~
 8 ~~board and the current chair of the regional advisory committee and, after the~~
 9 ~~initial appointment of members to the regional behavioral health board, the~~
 10 ~~current chair of the regional behavioral health board and one (1) represen-~~
 11 ~~tative of the department of health and welfare. The committee shall meet an-~~
 12 ~~nually or as needed to fill vacancies on the board. The list of appointments~~
 13 ~~shall be submitted to the department of health and welfare.~~

14 The appointing authority in each region shall determine if ~~m~~Members of
 15 the regional mental health ~~advisory~~ board and the regional advisory commit-
 16 tee who are serving on the effective date of this ~~act~~ chapter may continue
 17 to serve until the end of the current term of their appointment- or they may
 18 end all current appointments and create the board membership based upon the
 19 requirements of this section. If the appointing authority decides to allow
 20 current members of the board to serve out their current terms, ~~a~~Appointments
 21 made after the effective date of this ~~act~~ chapter shall be made in a manner
 22 to achieve the representation provided in this section as soon as reasonably
 23 practical.

24 The term of each member of the board shall be for four (4) years; pro-
 25 vided however, that of the members first appointed, one-third (1/3) from
 26 each region shall be appointed for a term of two (2) years; one-third (1/3)
 27 for a term of three (3) years; and one-third (1/3) for a term of four (4)
 28 years. After the membership representation required in this section is
 29 achieved, vacancies shall be filled for the unexpired term in the same manner
 30 as original appointments. Board members shall be compensated as provided by
 31 section 59-509(b), Idaho Code, and such compensation shall be paid from the
 32 operating budget of the regional behavioral health board as resources allow.

33 SECTION 14. That Section [39-3131](#), Idaho Code, be, and the same is hereby
 34 repealed.

35 SECTION 15. That Section 39-3132, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 39-3132~~3~~. POWERS AND DUTIES. The regional ~~mental~~ behavioral health
 38 board:

39 (1) Shall advise the state ~~mental~~ behavioral health authority through
 40 the ~~state~~ planning council on local ~~mental~~ behavioral health needs within
 41 the region;

42 ~~(2) Shall assist in the formulation of an operating policy for the re-~~
 43 ~~gional service;~~

44 ~~(3) Shall interpret the regional mental health services to the citizens~~
 45 ~~and agencies of the region;~~

46 ~~(4) Shall advise the state ~~mental~~ behavioral health authority and the~~
 47 ~~state~~ planning council of the progress, problems and proposed projects of
 48 the regional service;

1 ~~(5) Shall collaborate with the regional advisory substance abuse au-~~
 2 ~~thorities to develop appropriate joint programs;~~

3 (63) Shall promote improvements in the delivery of ~~mental~~ behavioral
 4 health services and coordinate and exchange information regarding ~~mental~~
 5 behavioral health programs in the region;

6 (74) Shall identify gaps in available services including, but not lim-
 7 ited to, services listed in sections 16-2402(3) and 39-3128, Idaho Code, and
 8 recommend service enhancements that address identified needs for considera-
 9 tion to the state ~~mental~~ behavioral health authority;

10 (85) Shall assist the state planning council ~~on mental health~~ with
 11 planning for service system improvement. The state planning council shall
 12 incorporate the recommendation to the regional ~~mental~~ behavioral health
 13 boards into the annual report provided to the governor by June 30 of each
 14 year. This report shall also be provided to the legislature; and

15 (96) May develop, or obtain proposals for, a ~~service plan component~~
 16 petition for regional services as defined in section 39-3129, Idaho Code,
 17 for consideration by the state ~~mental~~ behavioral health authority;

18 (7) May accept the responsibility to develop and provide community
 19 recovery support services in their region. The board must demonstrate
 20 readiness to accept this responsibility and shall not be held liable for
 21 services in which there is no funding to provide. The readiness criteria for
 22 accepting this responsibility shall be established by the planning council.
 23 The planning council shall also determine when a regional behavioral health
 24 board has complied with the readiness criteria. Community recovery support
 25 services include, but are not limited to:

26 (a) Community consultation and education;

27 (b) Housing to promote and sustain the ability of individuals with be-
 28 havioral health disorders to live in the community and avoid institu-
 29 tionalization;

30 (c) Employment opportunities to promote and sustain the ability of in-
 31 dividuals with behavioral health disorders to live in the community and
 32 avoid institutionalization;

33 (d) Evidence-based prevention activities that reduce the burden asso-
 34 ciated with mental illness and substance use disorders; and

35 (e) Supportive services to promote and sustain the ability of individu-
 36 als with behavioral health disorders to live in the community and avoid
 37 institutionalization including, but not limited to, peer run drop-in
 38 centers, support groups, transportation and family support services;

39 (8) Shall annually provide a report to the planning council of its
 40 progress toward building a comprehensive community recovery support system
 41 that shall include performance and outcome data as defined and in a format
 42 established by the planning council;

43 (9) Shall establish a fiscal control policy required by the state con-
 44 troller;

45 (10) May enter into contracts with other governmental and private agen-
 46 cies, and this chapter hereby authorizes such other agencies to enter into
 47 contracts with the regional behavioral health board, as deemed necessary to
 48 fulfill the duties imposed upon the board to promote and sustain the ability
 49 of individuals with behavioral health disorders to live in the community and
 50 avoid institutionalization; and

1 (11) Shall develop and maintain bylaws as necessary to establish the
 2 process and structure of the board.

3 SECTION 16. That Section 39-3133, Idaho Code, be, and the same is hereby
 4 amended to read as follows:

5 39-31334. DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE DIVISION
 6 ADMINISTRATOR FOR REGIONAL BEHAVIORAL HEALTH CENTERS -- DUTIES. The direc-
 7 tor of the department of health and welfare shall appoint ~~and a division~~
 8 administrator to supervise the directors of each regional mental behavioral
 9 health service center and shall supervise its program; shall prescribe
 10 uniform standards of treatment and care provided by each regional ~~service~~
 11 center; shall set the professional qualifications for staff positions; and
 12 make such other rules as are necessary and proper to carry out the purposes
 13 and intent of this ~~act~~ chapter.

14 SECTION 17. That Section 39-3134, Idaho Code, be, and the same is hereby
 15 amended to read as follows:

16 39-31345. COORDINATION OF SERVICES BETWEEN REGIONS AND STATE. The
 17 director of the department of health and welfare shall establish the areas
 18 of coordination between the regional ~~comprehensive mental behavioral~~
 19 services centers and the state ~~mental psychiatric hospitals~~ services.

20 SECTION 18. That Section 39-3134A, Idaho Code, be, and the same is
 21 hereby repealed.

22 SECTION 19. That Section 39-3135, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 39-31356. FACILITIES FOR MENTAL BEHAVIORAL HEALTH SERVICES
 25 CENTERS. The state ~~mental behavioral~~ health authority may contract for the
 26 lease of facilities appropriate for the establishment of ~~comprehensive~~
 27 ~~mental behavioral health services centers~~. In order to encourage the devel-
 28 opment of comprehensive and integrated health care and whenever feasible and
 29 consistent with ~~comprehensive mental behavioral~~ health treatment, these
 30 facilities shall be in or near facilities within the region housing other
 31 health services. The state ~~mental behavioral~~ health authority may, when
 32 necessary, contract with public or private agencies for the construction
 33 of appropriate facilities when approved by the advisory council for the
 34 construction of community mental health centers.

35 SECTION 20. That Section 39-3136, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 39-31367. FUNDS. The financial support for the regional ~~mental~~
 38 behavioral health services centers shall be furnished by state appropria-
 39 tions and by whatever federal funds are available in an identifiable section
 40 within the ~~mental behavioral~~ health program budgets. ~~Mental Behavioral~~
 41 health services ~~which that~~ are financed or contracted by local or federal
 42 sources may be incorporated into the regional ~~mental behavioral~~ health

1 ~~services centers~~ subject to the approval of the state ~~mental~~ behavioral
2 health authority.

3 SECTION 21. That Section 39-3137, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 39-3137~~8~~. SERVICES TO BE NONDISCRIMINATORY -- FEES. No regional
6 ~~mental behavioral~~ health ~~service center~~ shall refuse service to any person
7 because of race, color or religion or because of ability or inability to
8 pay. Persons receiving services will be charged fees in keeping with a fee
9 schedule prepared by the state ~~mental~~ behavioral health authority. Fees
10 collected shall become part of the operating budget and may be utilized by
11 direction of the state ~~mental~~ behavioral health authority.

12 SECTION 22. That Section 39-3138, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 39-3138~~9~~. EXISTING STATE-COUNTY CONTRACTS FOR SERVICES. No section of
15 this ~~act~~ chapter shall invalidate, or prohibit the continuance of, exist-
16 ing state-county contracts for the delivery of ~~mental~~ behavioral health ser-
17 vices within the participating counties.

18 SECTION 23. That Section 39-3139, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 39-3139~~40~~. TITLE OF ~~ACT~~ CHAPTER. This ~~act~~ chapter may be cited as the
21 "Regional ~~Mental~~ Behavioral Health Services Act."

22 SECTION 24. That Chapter 31, Title 39, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 39-3141, Idaho Code, and to read as follows:

25 39-3141. DEPARTMENT RULES. The director is authorized to promulgate
26 rules necessary to implement the provisions of this chapter that are consis-
27 tent with its provision.