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California's protection and advocacy system

Restructuring the Behavioral Health System in California
Joint Oversight Hearing of the
Assembly & Senate Health Committees &
Assembly & Senate Budget Subcommittees on Health and Human
Services
Tuesday, February 21, 2012
Testimony
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About Disability Rights California

Disability Rights California, the federally mandated protection and advocacy system, works to advance the rights of Californians with disabilities. In addition to our federally required services, we provide the clients' rights advocates at the 21 regional centers and advocates at each of the five state psychiatric hospitals.

Our primary concern with reorganization and realignment is maintaining county accountability

Our primary concern with the Administration's proposals to reorganize and realign mental health programs is maintaining county accountability so that individuals can obtain needed services. We are concerned that realignment to the counties may result in quite different services from county to county for individuals with disabilities. While we believe counties should structure services to meet the needs of their communities, we recommend that the Legislature require sufficient statewide service standards and performance measures to ensure that individuals with disabilities in each county receive equal access to services of equal quality. At a minimum, this would include regulations specifying:

- criteria for obtaining services

- standards for assuring quality and culturally competent services
- due process protections
- requirements to provide services in the community in preference to institutions, where appropriate
- requirements to expand the availability of peer support services
- requirements for state oversight to ensure county compliance

Specifically:

State Mental Health Services Act regulations should be retained and should, at a minimum, provide for

- a community program planning process with strong stakeholder involvement, and
- a state issue resolution process

State Medi-Cal regulations should be retained and should, at a minimum,

- define the scope of services available, and
- insure that the types of specialty mental health services provided to each individual beneficiary are adequate to meet the needs of the beneficiary.

Lanterman-Petris-Short Act regulations should be retained and should provide for uniform statewide involuntary detention procedures and uniform statewide facility approval procedures.

Information about the proposed reorganization that we are waiting for from the Administration

We are waiting for information from the Administration regarding the status of statewide regulations and details of the state level review process for Medi-Cal and the Mental Health Services Act.

Fragmentation of Department of Mental Health functions will create challenges in working with the state

Mental Health functions that were handled by one department are now being divided. We are especially concerned about cultural competence functions going to the Department of Public Health and licensing going to the Department of Social Services.