



California Association of Local Behavioral Health Boards and Commissions

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WIC: Behavioral Health Boards

CALBHB/C SUPPORTS THE WORK OF CA's 59 LOCAL BEHAVIORAL HEALTH BOARDS AND COMMISSIONS.

CA WIC 5604 and 5963.03—Behavioral Health Boards: Bylaws, Duties, Expenses, Membership

California's Welfare & Institutions Code (WIC) for local behavioral health boards & commissions includes:

Bylaws (5604.5)

Duties (5604.2) & MHSA Duties (**5963.03**)

Expenses (5604.3)

Membership (5604)

Changes due to Proposition 1 (SB 326) appear in **bold print**.

WIC is also on-line at:

www.calbhbc.org/legislation-mhb-wic.html

Bylaws (WIC 5604.5)

The local **behavioral** health board shall develop bylaws to be approved by the governing body which shall do all of the following:

- (a) Establish the specific number of members on the **behavioral** health board, consistent with subdivision (a) of Section 5604.
- (b) Ensure that the composition of the **behavioral** health board represents and reflects the diversity and demographics of the county as a whole, to the extent feasible.
- (c) Establish that a quorum be one person more than one-half of the appointed members.
- (d) Establish that the chairperson of the **behavioral** health board be in consultation with the local **behavioral** health director.
- (e) Establish that there may be an executive committee of the **behavioral** health board.

Expenses (WIC 5604.3)

(a) **(1)** The Board of Supervisors may pay from any available funds the actual and necessary expenses of the members of the **Behavioral** Health Board of a community mental health service incurred incident to the performance of their official duties and functions.

(2) The expenses may include travel, lodging, **child-care** and meals for the members of an advisory board while on official business as approved by the director of behavioral health programs.

(b) Governing bodies are encouraged to provide a budget for the local **behavioral** health board, using planning and administrative revenues identified in subdivision (c) of Section 5892 [see below], that is sufficient to facilitate the purpose, duties, and responsibilities of the local **behavioral** health board.

WIC 5892 (c) The allocations pursuant to subdivisions (a) and (b) shall include funding for annual planning costs pursuant to Section 5847 and 5963.03. The total of these costs shall not exceed 5 percent of the total of annual revenues received for the Local **Behavioral Health Services Fund**. The planning costs shall include funds for county mental health programs to pay for the costs of consumers, family members, and other stakeholders to participate in the planning process ...

Issue Briefs: www.calbhbc.org

Resources: www.calbhbc.org/resources

Duties (5604.2) and MHSA Duties (5848)

Duties of Boards & Commissions (5604.2)

The local **behavioral** health board shall : (WIC 5604.2(a))

1. Review and evaluate the community's public **behavioral** health needs, services, facilities, and special problems in any facility within the county or jurisdiction where mental health **or substance use disorder** evaluations or services are being provided, including, but not limited to, schools, emergency departments, and psychiatric facilities.
 2. **(A)** Review any county agreements entered into pursuant to Section 5650. **(B)** The local **behavioral** health board may make recommendations to the governing body regarding concerns identified within these agreements.
 3. **(A)** Advise the governing body and the local **behavioral** health director as to any aspect of the local **behavioral** health program. **(B)** Local **behavioral** health boards may request assistance from the local patients' rights advocates when reviewing and advising on mental health or substance use disorder evaluations or services provided in public facilities with limited access.
 4. **(A)** Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process. **(B)** Involvement shall include individuals with lived experience of mental illness and their families, community members, advocacy organizations, and mental health professionals. It shall also include other professionals that interact with individuals living with mental illnesses on a daily basis, such as education, emergency services, employment, health care, housing, law enforcement, local business owners, social services, seniors, transportation, and veterans.
 5. Submit an annual report to the governing body on the needs and performance of the county's **behavioral** health system.
 6. **(A)** Review and make recommendations on applicants for the appointment of a local director of **behavioral** health services. **(B)** The board shall be included in the selection process prior to the vote of the governing body.
 7. Review and comment on the county's performance outcome data and communicate its findings to the California Behavioral Health Planning Council.
 8. This part does not limit the ability of the governing body to transfer additional duties or authority to a **behavioral** health board.
- (b) It is the intent of the Legislature that, as part of its duties pursuant to subdivision (a), the board shall assess the impact of the realignment of services from the state to the county, on services delivered to clients and on the local community.

Duties of Boards & Commissions (MHSA)

BHSA Duties from Code Section 5963.03

- (b) **(1)** The **behavioral** health board established pursuant to Section 5604 shall conduct a public hearing on the **draft integrated plan and annual updates** at the close of the 30-day comment period required by subdivision **(2)** Each **plan and update** shall include any substantive written recommendations for revisions. **(3)** The **adopted integrated plan or update** shall summarize and analyze the recommended revisions. **(4)** The **behavioral** health board shall review the adopted **integrated** plan or update and make recommendations to the local mental health agency, **local substance use disorder agency**, or local behavioral health agency, as applicable, for revisions. **(5)** The local mental health agency, **local substance use disorder agency**, or local behavioral health agency, as applicable, shall provide an annual report of written explanations to the local governing body and the State Department of Health Care Services for any substantive [see (d) below] recommendations made by the local **behavioral** health board that are not included in the final **integrated** plan or update.
- (d) For purposes of this section "Substantive recommendations made by the local behavioral health board" means any recommendation that is brought before the board and approved by a majority vote of the membership present at a public hearing of the local **behavioral** health board that has established its quorum.

Membership (WIC 5604.)

(a) (1) **(A)** Each community mental health service shall have a **behavioral** health board consisting of 10 to 15 members, depending on the preference of the county, appointed by the governing body, except that **a board in a county** with a population of fewer than 80,000 may have a minimum of five members. **(B)** A county with more than five supervisors shall have at least the same number of members as the size of its board of supervisors. **(C)** This section does not limit the ability of the governing body to increase the number of members above 15.

(2) (A) (i) The board shall serve in an advisory role to the governing body, and one member of the board shall be a member of the local governing body.

(ii) Local **behavioral** health boards may recommend appointees to the county supervisors.

(iii) The board membership should reflect the diversity of the client population in the county to the extent possible.

(B)(i) Fifty percent of the board membership shall be consumers, or the parents, spouses, siblings, or adult children of consumers, who are receiving or have received **behavioral** health services. **At least one of these members shall be an individual who is 25 years of age or younger.**

(ii) At least 20 percent of the total membership shall be consumers, and at least 20 percent shall be families of consumers.

(C) (i) In counties with a population of 100,000 or more, at least one member of the board shall be a veteran or veteran advocate. In counties with a population of fewer than 100,000, the county shall give a strong preference to appointing at least one member of the board who is a veteran or a veteran advocate.

(ii) To comply with clause (i), a county shall notify its county veterans service officer about vacancies on the board, if a county has a veterans service officer.

(D) (i) At least one member of the board shall be an employee of a local education agency.

(ii) To comply with clause (i), a county shall notify its county office of education about vacancies on the board.

(E) (i) In addition to the requirements in subparagraphs **(B)**, **(C)**, and **(D)**, counties are encouraged to appoint individuals who have experience **with**, and knowledge **of**, the **behavioral** health system.

(ii) This would include members of the community that engage with individuals living with mental illness in the course of daily operations, such as representatives of county offices of education, large and small businesses, hospitals, hospital districts, physicians practicing in emergency departments, city police chiefs, county sheriffs, and community and nonprofit service providers.

(3)(A) In counties with a population that is **fewer** than 80,000, at least one member shall be a consumer and at least one member shall be a parent, spouse, sibling, or adult child of a consumer, who is receiving, or has received, mental health **or substance use disorder** services.

(B) Notwithstanding subparagraph (A), a board in a county with a population that is **fewer** than 80,000 that elects to have the board exceed the five-member mini-

imum permitted under paragraph (1) shall be required to comply with paragraph (2).

(b)(1) The **behavioral** health board shall review and evaluate the local public mental health system, pursuant to Section 5604.2, **and review and evaluate the local public substance use disorder treatment system.**

(2) The behavioral health board shall advise the governing body on community mental health services delivered by the local mental health agency or local behavioral health agency, as applicable.

(c)(1) The term of each member of the board shall be for three years.

(2) The governing body shall equitably stagger the appointments so that approximately one-third of the appointments expire in each year.

(d) If two or more local agencies jointly establish a community mental health service pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the **behavioral** health board for the community mental health service shall consist of an additional two members for each additional agency, one of whom shall be a consumer or a parent, spouse, sibling, or adult child of a consumer who has received mental health **or substance use disorder treatment** services.

(e)(1) Except as provided in paragraph (2), **a** member of the board or the member's spouse shall not be a full-time or part-time county employee of a county mental health **and substance use disorder** service, an employee of the State Department of Health Care Services, or an employee of, or a paid member of the governing body of, a mental health contract agency.

(2) A consumer of **behavioral** health services who has obtained employment with an employer described in paragraph (1) and who holds a position in which the consumer does not have any interest, influence, or authority over any financial or contractual matter concerning the employer may be appointed to the board. The member shall abstain from voting on any financial or contractual issue concerning the member's employer that may come before the board.

(f) Members of the board shall abstain from voting on any issue in which the member has a financial interest as defined in Section 87103 of the Government Code.

(g) If it is not possible to secure membership as specified in this section from among persons who reside in the county, the governing body may substitute representatives of the public interest in mental health who are not full-time or part-time employees of the county mental health service, the State Department of Health Care Services, or on the staff of, or a paid member of the governing body of, **a behavioral** health contract agency.

(h) The behavioral health board may be established as an advisory board or a commission, depending on the preference of the county.

(i) For purposes of this section, "veteran advocate" means either a parent, spouse, or adult child of a veteran, or an individual who is part of a veterans organization, including the Veterans of Foreign Wars or the American Legion.