

IN THE SENATE

SENATE BILL NO. 1114

BY JUDICIARY AND RULES 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 TO
15 BE OFFERED; REPEALING SECTION 39-3129, IDAHO CODE, RELATING TO PETITION
16 FOR REGIONAL SERVICES; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY
17 THE ADDITION OF A NEW SECTION 39-3130, IDAHO CODE, TO PROVIDE FOR THE
18 ESTABLISHMENT OF REGIONAL BEHAVIORAL HEALTH BOARDS; REPEALING SECTION
19 39-3131, IDAHO CODE, RELATING TO TERMS, VACANCIES AND COMPENSATION;
20 AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW
21 SECTION 39-3131, IDAHO CODE, TO PROVIDE FOR AN EXECUTIVE COMMITTEE OF
22 THE REGIONAL BEHAVIORAL HEALTH BOARDS; AMENDING SECTION 39-3130, IDAHO
23 CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY AND TO PROVIDE
24 FOR MEMBERS, TERMS AND APPOINTMENTS FOR THE REGIONAL BEHAVIORAL HEALTH
25 BOARDS; AMENDING SECTION 39-3132, IDAHO CODE, TO REDESIGNATE THE SEC-
26 TION, TO REVISE TERMINOLOGY AND TO REVISE PROVISIONS RELATING TO POWERS
27 AND DUTIES OF THE HEALTH BOARDS; AMENDING SECTION 39-3133, IDAHO CODE,
28 TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY AND TO PROVIDE FOR
29 A DIVISION ADMINISTRATOR FOR EACH REGIONAL BEHAVIORAL HEALTH CENTER;
30 AMENDING SECTION 39-3134, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO
31 REVISE TERMINOLOGY; REPEALING SECTION 39-3134A, IDAHO CODE, RELATING
32 TO COOPERATIVE SERVICE PLAN COMPONENT; AMENDING SECTION 39-3135, IDAHO
33 CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING
34 SECTION 39-3136, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE
35 TERMINOLOGY; AMENDING SECTION 39-3137, IDAHO CODE, TO REDESIGNATE THE
36 SECTION AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-3138, IDAHO
37 CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING
38 SECTION 39-3139, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE
39 TERMINOLOGY; AND AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE AD-
40 DITION OF A NEW SECTION 39-3141, IDAHO CODE, TO PROVIDE FOR RULEMAKING
41 AUTHORITY.
42

43 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 (SPMI)" means a primary di-
36 agnosis under DSM-IV-TR of schizophrenia, schizoaffective disorder, bipo-
37 lar I disorder, bipolar II disorder, major depressive disorder recurrent
38 severe, delusional disorder or psychotic disorder not otherwise specified
39 (NOS) for a maximum of one hundred twenty (120) days without a conclusive
40 diagnosis. The psychiatric disorder must be of sufficient severity to cause
41 a substantial disturbance in role performance or coping skills in at least
42 two (2) of the following functional areas in the last 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 (4) "Serious emotional disturbance" means an emotional or behavioral
 7 disorder or a neuropsychiatric condition in a child under the age of eighteen
 8 (18) years that results in a serious disability and that requires sustained
 9 treatment interventions and causes the child's functioning to be impaired in
 10 thought, perception, effect or behavior. A disorder shall be considered to
 11 result in a serious disability if it causes substantial impairment of func-
 12 tioning in the family, school or community. A substance abuse disorder does
 13 not, by itself, constitute a serious emotional disturbance although it may
 14 coexist with a serious emotional disturbance.

15 (5) "Serious mental illness (SMI)" means any of the following psychi-
 16 atric illnesses as defined by the American psychiatric association in the
 17 diagnostic and statistical manual of mental disorders, text revision (DSM-
 18 IV-TR):

- 19 (a) Schizophrenia;
 20 (b) Paranoia and other psychotic disorders;
 21 (c) Bipolar disorders (mixed, manic and depressive);
 22 (d) Major depressive disorders (single episode or recurrent);
 23 (e) Schizoaffective disorders; and
 24 (f) Obsessive-compulsive disorders.

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

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

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

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

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

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

1 disorder service delivery system of the state. The state ~~mental~~ behavioral
 2 health authority shall identify the resources necessary for these efforts to
 3 be implemented on a statewide basis.

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

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

28 (2) The planning council shall be appointed by the governor and be com-
 29 prised of no less more than fifty percent (50%) ~~family members and consumers~~
 30 with mental illness state employees or providers of behavioral health ser-
 31 vices. Membership shall also reflect to the extent possible the collective
 32 demographic characteristics of Idaho's citizens. The planning council
 33 membership shall ~~strive to~~ include representation from consumers, families
 34 of adult individuals with severe serious mental illness or substance use
 35 disorders; families of children ~~or youth~~ with serious emotional disturbance
 36 or substance use disorders; principal state agencies including the judi-
 37 cial branch with respect to ~~mental~~ behavioral health, education, vocational
 38 rehabilitation, ~~criminal justice~~ adult correction and juvenile justice,
 39 title XIX of the social security act and other entitlement programs; public
 40 and private entities concerned with the need, planning, operation, funding
 41 and use of mental health services or substance use disorders, and related
 42 support services; and the regional ~~mental~~ behavioral health board in each
 43 department of health and welfare region as provided for in section 39-31302,
 44 Idaho Code. The planning council may include members of the legislature and
 45 the state judiciary.

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

1 years. The governor will appoint a chair and a vice-chair whose terms will be
2 two (2) years.

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

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

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

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

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

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

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

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

43 (2) Partial hospitalization Hospital precare and postcare services, in
44 cooperation with state and community psychiatric hospitals, for individuals
45 who have been committed to the custody of the director of health and welfare

1 pursuant to sections 18-212 and 66-329, Idaho Code, or who are under an in-
 2 voluntary treatment order pursuant to chapter 24, title 16, Idaho Code;

3 (3) Outpatient diagnosis and treatment Evaluation and securing mental
 4 health treatment services as court ordered for individuals pursuant to sec-
 5 tion 19-2524, 20-511A or 20-519B, Idaho Code;

6 (4) 24-hour emergency psychiatric services Evaluation and securing
 7 treatment services for individuals who are accepted into mental health
 8 courts;

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

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

21 ~~(7) Rehabilitative services;~~

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

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

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

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

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

34 SECTION 10. That Section [39-3129](#), Idaho Code, be, and the same is hereby
 35 repealed.

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

39 39-3130. REGIONAL BEHAVIORAL HEALTH BOARDS -- ESTABLISHMENT. There is
 40 hereby created and established in each judicial district according to chap-
 41 ter 8, title 1, Idaho Code, a regional behavioral health board. It is the
 42 legislative intent that the regional behavioral health boards operate and
 43 be recognized not as a state agency or department, but as governmental en-
 44 tities whose creation has been authorized by the state, much in the manner
 45 as other single purpose districts. For the purposes of section 59-1302(15),
 46 Idaho Code, the seven (7) regional behavioral health boards created pursuant
 47 to this chapter shall be deemed governmental entities. The regional behav-
 48 ioral health boards are authorized to provide the community recovery support

1 services identified in section 39-3133 (7), Idaho Code. The services iden-
 2 tified in section 39-3133(7), Idaho Code, shall not be construed to restrict
 3 the services of the regional behavioral health board solely to these cate-
 4 gories.

5 SECTION 12. That Section 39-3131, Idaho Code, be, and the same is hereby
 6 repealed.

7 SECTION 13. 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 39-3131, Idaho Code, and to read as follows:

10 39-3131. EXECUTIVE COMMITTEE OF THE REGIONAL BEHAVIORAL HEALTH
 11 BOARDS. Each regional behavioral health board shall annually elect from
 12 within its membership an executive committee of five (5) members empowered
 13 to make fiscal, legal and business decisions on behalf of the board. The
 14 executive committee membership shall be representative of the regional
 15 behavioral health board membership and must, at a minimum, include one (1)
 16 mental health consumer or advocate and one (1) substance use disorder con-
 17 sumer or advocate. The executive committees shall have the power and duty,
 18 on behalf of the regional behavioral health boards, to:

19 (1) Establish a fiscal control policy as required by the state con-
 20 troller;

21 (2) Enter into contracts and grants with other governmental and private
 22 agencies, and this chapter hereby authorizes such other agencies to enter
 23 into contracts with the regional behavioral health boards, as deemed neces-
 24 sary to fulfill the duties imposed upon the board to promote and sustain the
 25 ability of individuals with behavioral health disorders to live in the com-
 26 munity and avoid institutionalization;

27 (3) Develop and maintain bylaws as necessary to establish the process
 28 and structure of the board; and

29 (4) Employ and shall fix the compensation, subject to provisions of
 30 chapter 53, title 67, Idaho Code, of such personnel as may be necessary to
 31 carry out the duties of the regional behavioral health boards.

32 SECTION 14. That Section 39-3130, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 39-3130~~2~~. REGIONAL MENTAL BEHAVIORAL HEALTH BOARD -- MEMBERS -- TERMS
 35 -- APPOINTMENT. A regional mental behavioral health board for each region
 36 shall consisting of seventeen twenty-two (17~~22~~) members is hereby created
 37 and shall be appointed as provided herein. Members shall be qualified
 38 electors and shall represent comprised of the following: three (3) county
 39 commissioners; two (2) department of health and welfare employees who rep-
 40 resent the mental behavioral health system within the region; two one (2~~1~~)
 41 parents of a children with a serious emotional disturbance, as defined in
 42 section 16-2403, Idaho Code, provided each parent's respective child is
 43 no older than twenty-one (21) years of age at the time of appointment; one
 44 (1) parent of a child with a substance use disorder; a law enforcement offi-
 45 cer; three one (3~~1~~) adult mental health services consumer representatives,
 46 advocates or family members; one (1) mental health advocate; one (1) sub-

1 stance use disorder advocate; one (1) adult substance use disorder services
 2 consumer representative; one (1) family member of an adult mental health
 3 services consumer; one (1) family member of an adult substance use disorder
 4 services consumer; a private provider of mental health services within the
 5 region; a private provider of substance use disorder services within the
 6 region; a representative of the elementary or secondary public education
 7 system within the region; a representative of the juvenile justice system
 8 within the region; a representative of the adult correction system within
 9 the region; a representative of the judiciary appointed by the administra-
 10 tive district judge; a physician or other licensed health practitioner from
 11 within the region; and a representative of a hospital within the region; and
 12 a member of the regional advisory substance abuse authority. The consumer,
 13 parent and family representatives shall be selected from nominations sub-
 14 mitted by mental behavioral health consumer and advocacy organizations.
 15 The board may have nonvoting members as necessary to fulfill its roles and
 16 responsibilities. The board shall meet at least twice each year, and shall
 17 annually elect a chairperson and other officers as it deems appropriate.

18 The appointing authority in each region shall be a committee composed
 19 of the chairperson of the board of county commissioners of each of the coun-
 20 ties within the region, ~~the regional mental health program manager for the~~
 21 ~~department of health and welfare and the regional director for~~ on the effec-
 22 tive date of this chapter, the current chair of the regional mental health
 23 board and the current chair of the regional advisory committee and, after the
 24 initial appointment of members to the regional behavioral health board, the
 25 current chair of the regional behavioral health board and one (1) represen-
 26 tative of the department of health and welfare. The committee shall meet an-
 27 nually or as needed to fill vacancies on the board. The list of appointments
 28 shall be submitted to the department of health and welfare.

29 The appointing authority in each region shall determine if ~~m~~Members of
 30 the regional mental health advisory board and the regional advisory commit-
 31 tee who are serving on the effective date of this act chapter may continue
 32 to serve until the end of the current term of their appointment- or they may
 33 end all current appointments and create the board membership based upon the
 34 requirements of this section. If the appointing authority decides to allow
 35 current members of the board to serve out their current terms, aAppointments
 36 made after the effective date of this ~~act~~ chapter shall be made in a manner
 37 to achieve the representation provided in this section as soon as reasonably
 38 practical.

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

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

1 39-3132~~3~~³. POWERS AND DUTIES. The regional ~~mental~~ behavioral health
2 board:

3 (1) Shall advise the state ~~mental~~ behavioral health authority through
4 the ~~state~~ planning council on local ~~mental~~ behavioral health needs within
5 the region;

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

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

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

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

15 ~~(6)~~³ Shall promote improvements in the delivery of ~~mental~~ behavioral
16 health services and coordinate and exchange information regarding ~~mental~~
17 behavioral health programs in the region;

18 ~~(7)~~⁴ Shall identify gaps in available services including, but not lim-
19 ited to, services listed in sections 16-2402(3) and 39-3128, Idaho Code, and
20 recommend service enhancements that address identified needs for considera-
21 tion to the state ~~mental~~ behavioral health authority;

22 ~~(8)~~⁵ Shall assist the ~~state~~ planning council ~~on mental health~~ with
23 planning for service system improvement. The ~~state~~ planning council shall
24 incorporate the recommendation to the regional ~~mental~~ behavioral health
25 boards into the annual report provided to the governor by June 30 of each
26 year. This report shall also be provided to the legislature; ~~and~~

27 ~~(9)~~⁶ May develop, or obtain proposals for, a ~~service plan component~~
28 petition for regional services as defined in section 39-3129, Idaho Code,
29 for consideration by the state ~~mental~~ behavioral health authority;

30 (7) May accept the responsibility to develop and provide community
31 recovery support services in their region. The board must demonstrate
32 readiness to accept this responsibility and shall not be held liable for
33 services in which there is no funding to provide. The readiness criteria for
34 accepting this responsibility shall be established by the planning council.
35 The planning council shall also determine when a regional behavioral health
36 board has complied with the readiness criteria. Community recovery support
37 services include, but are not limited to:

38 (a) Community consultation and education;

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

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

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

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

1 (8) Shall annually provide a report to the planning council of its
 2 progress toward building a comprehensive community recovery support system
 3 that shall include performance and outcome data as defined and in a format
 4 established by the planning council.

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

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

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

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

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

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

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

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

39 39-31367. FUNDS. The financial support for the regional ~~mental~~
 40 ~~behavioral health services centers~~ shall be furnished by state appropria-
 41 tions and by whatever federal funds are available in an identifiable section
 42 within the ~~mental behavioral~~ health program budgets. ~~Mental Behavioral~~

1 health services ~~which~~ that are financed or contracted by local or federal
2 sources may be incorporated into the regional ~~mental~~ behavioral health
3 ~~services centers~~ subject to the approval of the state ~~mental~~ behavioral
4 health authority.

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

7 39-31378. SERVICES TO BE NONDISCRIMINATORY -- FEES. No regional
8 ~~mental~~ behavioral health ~~service center~~ shall refuse service to any person
9 because of race, color or religion or because of ability or inability to
10 pay. Persons receiving services will be charged fees in keeping with a fee
11 schedule prepared by the state ~~mental~~ behavioral health authority. Fees
12 collected shall become part of the operating budget and may be utilized by
13 direction of the state ~~mental~~ behavioral health authority.

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

16 39-31389. EXISTING STATE-COUNTY CONTRACTS FOR SERVICES. No section of
17 this ~~act~~ chapter shall invalidate, or prohibit the continuance of, exist-
18 ing state-county contracts for the delivery of ~~mental~~ behavioral health ser-
19 vices within the participating counties.

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

22 39-313940. TITLE OF ACT CHAPTER. This ~~act~~ chapter may be cited as the
23 "Regional ~~Mental~~ Behavioral Health Services Act."

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

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