EXECUTIVE SUMMARY

This legislation aims to transform Idaho's current mental health and substance use disorder services into an integrated Behavioral Health System of Care to improve access to treatment, rehabilitation and recovery support services statewide. The transformation allows local communities and consumers to better influence how treatment is delivered and how recovery-oriented policies are developed.

Idaho's geographic and cultural characteristics necessitate a model for behavioral health services that can be regionally tailored to the unique needs of clients in rural areas, larger population centers and everywhere in between. This regional approach to service delivery has proven effective for Idaho, and this legislation is designed to give all residents access to clinically effective care, and a voice in how it is delivered.

It's important to first acknowledge that this legislation aims to formally integrate the mental health and substance use disorder treatment systems, as well as the way decisions and recommendations are made to improve the system of care. The legislation creates a Behavioral Health Planning Council (discussed below) which expands the former activities of the State Planning Council on Mental Health to include substance use disorders. It also creates Regional Behavioral Health Boards (discussed below). These bodies provide a direct line of communication that citizens, branches of government, and public and private agencies can use to communicate behavioral health needs within their regions.

The legislation also defines the behavioral health services to be provided by the Regional Behavioral Health Centers operated by the Department of Health and Welfare.

Serving as an advocate for individuals with behavioral health disorders, the State Behavioral Health Planning Council provides a direct line of communication between Regional Behavioral Health Boards and the Department of Health and Welfare. The governor-appointed council's membership is designed to represent the diverse characteristics of Idaho's citizens and the people affected most by the system of care, as well as the agencies and providers best equipped to develop solutions to Idaho's behavioral health needs. The council will monitor and evaluate the system of care statewide, and the laws governing it, advising the Department of Health and Welfare, the governor and the Idaho Legislature.

Under this legislation, Regional Behavioral Health Boards will accept recommendations for behavioral health services from the community. The boards are an effective integration of existing entities that now separately serve the substance use disorder and mental health systems. The Regional Behavioral Health Boards will work with the public to identify gaps in services and promote and plan for improvements and enhancement to the regional service system by communicating with the Department of Health and Welfare and the State Behavioral Health Planning Council.

In addition, the Regional Behavioral Health Boards may take responsibility for community-based recovery support services that may be inadequate or missing as treatment services primarily transition toward coverage under managed care plans. These services — including community education, housing assistance, employment opportunities, transportation, prevention activities and other support services

— help individuals with behavioral health disorders maintain the ability to live in the community and avoid institutionalization.

Until the Regional Behavioral Health Boards can demonstrate readiness to take responsibility for these services to the State Behavioral Health Planning Council and adequate funding is achieved through a combination of state and federal pass-throughs and grants, the responsibility will continue to reside with Regional Behavioral Health Centers operated by the Department of Health and Welfare. These centers shall provide a wide range of treatment, evaluation and intervention services that, when combined with the efforts of the Regional Behavioral Health Boards and a private network of treatment providers, establish the statewide comprehensive behavioral health system of care this legislation aims to create.

In defining roles and responsibilities across the continuum of care, this legislation does not reduce the array of services available, but works to better clarify how consumers and priority populations will be served by the Regional Behavioral Health Centers and the system as a whole. As the state behavioral health authority, the Department of Health and Welfare will continue to serve as a backstop to ensure Idahoans in need do not go without behavioral health services.

Both the Regional Behavioral Health Boards and the State Behavioral Health Planning Council shall prepare annual reports on the effectiveness of the system of care. Regional Behavioral Health Boards will report to the State Behavioral Health Planning Council on utilization of services provided regionally, and also on progress toward building a comprehensive system. In turn, the State Behavioral Health Planning Council will provide for the governor and legislature an assessment of activities and the impact of services.

STATEMENT OF PURPOSE

RS 21651

This legislation was created by a subcommittee of the Governor's Behavioral Health Interagency Cooperative (BHIC). The BHIC was created under Executive Order 2011-01. The purpose of BHIC was to utilize all the reviews and recommendations of other groups and committees and move from reviewing the system to implementation.

The intent of this legislation is to make changes to the Behavioral Health System of Care (BHSC) in Idaho. This legislation is the culmination of over a decade of committees that have reviewed Idaho's BHSC and made recommendations. There are a few major themes to recommendations that have been made by the groups during the past decade. First is the integration of the substance use disorder and mental health systems. Second is to allow local communities to have more influence over the BHSC. Third is to clearly articulate the roles of system partners, public agencies, and Branches of Government. Fourth is to create a BHSC that is recovery oriented and consumer driven. In addition to these hallmarks of a transformed system, this legislation also prepares for the overall changes that are coming to behavioral health and health care in general. The BHSC in Idaho and National is moving toward a payer driven system. Insurance companies, including Medicaid, will largely be responsible for clinical treatment services, but not the support services. These services, while typically less expensive, are equally if not more critical to stabilizing individuals with behavioral health disorders.

This legislation will integrate the Regional Advisory Committees (advisory to the substance abuse system) and the Regional Mental Health Boards (advisory to the mental health system) into a single entity, called the Regional Behavioral Health Board (RBHB), which will be responsible for the support services missing under a payer driven system described above. It will expand the State Planning Council on Mental Health to be the State Planning Council on Behavioral Health. This legislation will better describe the role of the State Behavioral Health Authority, DHW's Behavioral Health Division.

FISCAL NOTE

The newly created RBHB will need startup funds. These funds have been requested under DHW's budget request DU 12.05. The request is for spending authority to use receipts generated from DHW land sales at the Southwest Idaho Treatment Center Garrity, 11th Ave., and Idaho Falls. The amount of startup funds for each RBHB is \$66,700, or \$466,900 total statewide. The ongoing funds for the RBHB will be through contracts for the arrangement and delivery of support services from DHW and other system partners. By creating the RBHB as an actual entity, they will also be able to apply for grants and other funding opportunities. DHW intends to provide \$27,400 annually to each RBHB for a total of \$191,500. These funds currently exist in DHW's budget and will not require any new General or federal funds.

CONTACT

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Phone: 334-5726

STATEMENT OF PURPOSE/FISCAL NOTE Bill No.

LEGISLATURE OF THE STATE OF IDAHO

Sixty-second Legislature	First Regular Session – 2013
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IN THE _		
	BILL NO	
RV		

AN ACT

RELATING TO BEHAVIORAL HEALTH SERVICES: AMENDING THE HEADING FOR CHAPTER 31, TITLE 39, IDAHO CODE; REPEALING SECTION 39-3123, IDAHO CODE, RELATING TO DECLARATION OF POLICY; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY ADDITION OF A NEW SECTION 39-3122, IDAHO CODE, TO PROVIDE DECLARATION OF POLICY: AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3123, IDAHO CODE, TO PROVIDE DEFINITIONS: AMENDING SECTION 39-3124, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE FOR STATE SUBSTANCE USE DISORDER AUTHORITY; AMENDING SECTION 39-3125, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE, TO REVISE TERMINOLOGY AND TO REVISE PROVISIONS RELATING TO DUTIES AN DAPPOINTMENT OF THE STATE BEHAVIORAL HEALTH PLANNING COUNCIL: AMENDING SECTION 39-3126, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-3127, IDAHO CODE TO REVISE TERMINOLOGY; AMENDING SECTION 39-3128, IDAHO CODE TO REVISE TERMINOLGY AND TO REVISE BEHAVIORAL HEALTH SERVICES TO BE OFFERED, AMENDING SECTION 39-3129, IDAHO CODE, TO REVISE TERMINOLOGY: AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3130, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF REGIONAL BEHAVIORAL HEALTH BOARDS; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3131, IDAHO CODE TO PROVIDE FOR AN EXECUTIVE COMMITTEE OF THE REGIONAL BEHAVIORAL HEALTH BOARDS: AMENDING SECTION 39-3130, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY AND TO PROVIDE FOR MEMBERS, TERMS AND APPOINTMENTS FOR THE REGIONAL BEHAVIORAL HEALTH BOARDS; REPEALING SECTION 39-3131, IDAHO CODE, RELATING TO TERMS, VACANCIES AND COMPENSATION; AMENDING SECTION 39-3132, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY AND TO REVISE PROVISIONS RELATING TO POWERS AND DUTIES OF THE HEALTH BOARDS; AMENDING SECTION 39-3133, IDAHO CODE, TO REDESIGNATE THE SECTION. TO REVISE TERMINOLOGY AND TO PROVIDE FOR A DIVISION ADMINISTRATOR FOR EACH REGIONAL BEHAVIORAL HEALTH CENTER: AMENDING SECTION 39-3134, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; REPEALING SECTION 39-3134A, IDAHO CODE, RELATING TO COOPERATIVE SERVICES PLAN COMPONENT; AMENDING SECTION 39-3135, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-3136, IDAHO CODE, TO REDESIGNATE THE SECTION TO REVISE TERMINOLOGY: AMENDING SECTION 39-3137, IDAHO CODE, TO REDESIGNATE THE SECTION. TO REVISE PROVISIONS RELATING TO REFUSAL OF SERVICES AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-3138, IDAHO CODE, TO REDEISGNATE THE SECTION AND TO REVISE TERMINOLOGY: AMENDING SECTION 39-3139: IDAHO CODE, TO REDISIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AND

AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3141, IDAHO CODE, TO PROVIDE FOR RULEMAKING AUTHORITY.

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

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

CHAPTER 31 REGIONAL BEHAVIORAL HEALTH SERVICES

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

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

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

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

- 39-3123. DEFINITIONS. (1) "Behavioral health" means a person's overall emotional and psychological condition, including a person's cognitive and emotional capabilities, the ability to function in society and other skills needed to meet the ordinary demands of everyday life. It also describes the evaluation and treatment of a person's combined mental health and substance use.
- (2) "Region" means the administrative regions as defined by the department of health and welfare. Two (2) or more regions may consolidate for the purpose of this chapter.
- (3) "Serious and persistent mental illness" means a medical condition of the brain in an adult age eighteen (18) or older that disrupts the person's thinking, feeling, mood, ability to relate to others and daily functioning; is recognized as a diagnosis in the most current version of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM); must be of sufficient severity to cause a substantial disturbance in role performance or coping skills in at least two (2) of the following functional areas in the preceding six (6) months:
- (a) Vocational or educational, or both;
- (b) Financial;
- (c) Social relationships or support, or both;
- (d) Family;

- (e) Basic daily living skills;
- (f) Housing:
- (g) Community or legal, or both;
- (h) Health or medical, or both;

and requires sustained treatment interventions.

- (4) "Serious emotional disturbance" means an emotional or behavioral disorder or neuropsychiatric condition in a child under the age of eighteen (18) years that results in a serious disability and that requires sustained treatment interventions and causes the child's functioning to be impaired in though, perception, effect or behavior. A disorder shall be considered to result in a serious disability if it causes substantial impairment of functioning in the family, school or community. A substance abuse disorder does not, by itself, constitute a serious emotional disturbance although it may coexist with a serious emotional disturbance.
- (5) "Serious mental illness" means a medical condition of the brain in an adult age eighteen (18) years or older that disrupts the person's thinking, feeling, mood, ability to relate to others and daily functioning; is recognized as a diagnosis in the most current version of the DSM; and requires sustained treatment interventions.
- (6) "State behavioral health authority" means the department of health and welfare division responsible for mental health and substance use disorders treatment under the state behavioral health systems plan.
- (7) "State behavioral health planning council" means Idaho's council of consumers, advocates and professionals charged with reviewing the state's behavioral health system and advising the governor, legislature and agency leaders on the successes and challenges of the behavioral health system in Idaho.
- (8) "State behavioral health systems plan" means the state plan required for federal mental health and substance use disorder funding excluding any Medicaid plan for the same services.
- (9) "Substance use disorder" means the misuse or excessive use of alcohol or other drugs or substances that significantly impact an individual's functioning.

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

39-3124. DESIGNATION OF STATE MENTAL HEALTH AUTHORITY AND STATE SUBSTANCE USE DISORDER AUTHORITY. The Idaho department of health and welfare is hereby designated the state mental health authority and the state substance use disorder authority, hereinafter referred to as the behavioral health authority. The behavioral health authority is responsible for taking into consideration and incorporating the recommendations and evaluations of the state behavioral health planning council and the regional behavioral health boards in all statewide efforts to expand, improve, modify or transform the mental health and substance use disorder service delivery system of the state. The state behavioral health authority shall identify the resources necessary for these efforts to be implemented on a statewide basis.

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

- 39-3125. STATE BEHAVIORAL HEALTH PLANNING COUNCIL. (1) A state behavioral health planning council, hereinafter referred to as the planning council, shall be established to serve as an advocate for adults with serious mental illness, for children with a serious emotional disturbance and for adults and children with substance use disorders; to advise the state behavioral health authority on issues of concern, on policies and on programs and to provide guidance to the behavioral health authority in the development and implementation of the state behavioral health systems plan; to monitor and evaluate the allocation and adequacy of behavioral health services within the state on an ongoing basis; to monitor and evaluate the effectiveness of state laws that address mental health and substance use services; to ensure that individuals with serious mental illness, serious emotional disturbances and/or substance use disorders have access to prevention, treatment and rehabilitation services; to serve as a vehicle for intra-agency and interagency policy and program development; and to present to the governor and the legislature by June 30 of each year a report on the council's activities and an evaluation of the current effectiveness of the behavioral health services provided directly or indirectly by the state.
- (2) The planning council shall be appointed by the governor and be comprised of no more than fifty percent (50%) state employees or providers of behavioral health services. Membership shall also reflect to the extent possible the collective demographic characteristics of Idaho's citizens. The planning council membership shall include representation from consumers, families of adult individuals with serious mental illness or substance use disorders; families of children with serious emotional disturbance or substance use disorders; principal state agencies including the judicial branch with respect to behavioral health, education, vocational rehabilitation, adult correction and juvenile justice, title XIX of the social security act and other entitlement programs; public and private entities concerned with the need, planning, operation, funding and use of mental health services or substance use disorders, and related support services; and the regional behavioral health board in each department of health and welfare region as provided for in section 39-3132, Idaho Code. The planning council may include members of the legislature and the state judiciary.
- (3) The planning council members will serve a term of two (2) years or at the pleasure of the governor, provided however, that of the members first appointed, on-half (1/2) of the appointments shall be for a term of one (1) year and one-half (1/2) of the appointments shall be for a term of two (2) years. The governor will appoint a chair and vice-chair who terms will be two (2) years.
- (4) The council may establish subcommittees at its discretion.

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

39-3126. DESIGNATION OF REGIONAL BEHAVIORAL HEALTH CENTERS. Recognizing both the right of every citizen to the best behavioral health services that the state is able to provide and the disproportionate ability of counties to finance behavioral health services, the state behavioral health authority shall designate regions and be responsible for establishing regional behavioral health centers for all areas of the state. In the establishment of regions, primary consideration will be given to natural population groupings and service areas, the regions previously designated for the establishment of other health services, the behavioral health needs of the people within the proposed regions, and the appropriate maximal use of available funding.

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

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

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

- 39-3128. BEHAVIORAL HEALTH SERVICES TO BE OFFERED. The regional behavioral health center shall provide or arrange for the delivery of services that, combined with community recovery support provided through the regional behavioral health boards, Medicaid and services delivered through a private provider network, will lead to the establishment of a comprehensive regional behavioral health system of care. The regional behavioral health center shall provide or arrange for the delivery of the following services:
- (1) Evaluation and intervention for individuals experiencing a behavioral health emergency;
- (2) Hospital precare and postcare services, in cooperation with state and community psychiatric hospitals, for individuals who have been committed to the custody of the director of health and welfare pursuant to sections 18-212 and 66-329, Idaho Code, or who are under an involuntary treatment order pursuant to chapter 24, title 16, Idaho Code;
- (3) Evaluation and securing mental health treatment services for individuals who have been ordered by a court pursuant to section 19-2524, 20-511A or 20-519B, Idaho Code;
- (4) Evaluation and securing treatment services for individuals who are jointly accepted into mental health courts by the court or the department;
- (5) Treatment services to adults with a serious and persistent mental illness, adults with a substance use disorder, children with a serious emotional disturbance and children with a substance use disorder who do not have any other benefits available to meet their behavioral health needs as resources allow including, but not limited to, psychiatric services, medication management, outpatient and intensive outpatient services, assertive community treatment, case management and residential care; and
- (6) Community recovery support services as defined in section 39-3133(8), Idaho Code, until the regional behavioral health board can meet the criteria necessary to be responsible for these services.

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

39-3129. PETITION FOR REGIONAL SERVICES. Petition for regional behavioral health services may be made to the state behavioral health authority through the regional behavioral health board. The petition may be submitted by units of government within the region, by public and private agencies or professional associations service within the region, or by a private, nonprofit corporation formed by citizens of that region for the purpose of planning for, petitioning

for and securing behavioral health services for that region. The petition shall contain: (1) an identification of the petitioning group or groups; (2) a statement of the unmet behavioral health needs of the region; and (3) a plan for serving such unmet need for behavioral health services in the region.

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

39-3130. REGIONAL BEHAVIORAL HEALTH BOARDS – ESTABLISHMENT. There is hereby created and established in each of the department of health and welfare regions a regional behavioral health board. The regional behavioral health board is authorized to provide the community recovery support services identified in section 39-3133(8), Idaho Code. The services identified in section 39-3133(8), Idaho Code, shall not be construed to restrict the services of the regional behavioral health board solely to these categories.

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

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

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

39-3132. REGIONAL BEHAVIORAL HEALTH BOARD - MEMBERS-TERMS -APPOINTMENT. A behavioral health board for each regions shall consist of twenty-one (21) members and shall be appointed as provided herein. Members shall be comprised of the following: three (3) county commissioners; two (2) department of health and welfare employees who represent the behavioral health system within the region; one (1) parent of a child with a serious emotional disturbance; one)1) parent of a child with substance use disorder; a law enforcement officer; one (1) adult mental health services consumer representative; one (1) mental health advocate; one (1) substance use disorder advocate; one (1) adult substance use disorder services consumer representative; one (1) family member of an adult mental health services consumer; one (1) family member of an adult substance use disorder services consumer; a private provider of mental health services within the region; a private provider of substance use disorder services within the region; a representative of the elementary or secondary public education system within the region; a representative of the juvenile justice system within the region; a representative of the adult correction system within the region; a representative of the adult correction system within the region; a physician or other licensed health practitioner from within the region; and a representative of a hospital with the region. The consumer, parent and family representative shall be selected from nominations submitted by behavioral health consumer and advocacy organizations. The board may have nonvoting members as necessary to fulfill its roles and responsibilities. The board shall meet at least twice each year, and shall annually elect a chairperson and other officers as it deems appropriate.

The appointing authority in each region shall be a committee composed of the chairperson of board of county commissioners of each of the counties within the region on the effective date of this chapter, the current chair of the regional mental health board and the current chair of the regional advisory committee and, after the initial appointment of members to the regional behavioral health board, the current chair of the regional behavioral health board and one (1) representative of the department of health and welfare. The committee shall meet annually or as needed to fill vacancies on the board.

The appointing authority in each region shall determine if members of the regional mental health board and the regional advisory committee who are serving on the effective date of this chapter may continue to serve until the end of the current term of their appointment or they may end all current appointments and create the board membership based upon the requirements of this section. If the appointing authority decides to allow current members of the board to serve out their current terms, appointments made after the effective date of this chapter shall be made in a manner to achieve the representation provided in this section as soon as reasonably practical.

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

SECTION 14. That Section 39-3131, Idaho Code, be, and the same is hereby repealed.

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

- 39-3133. POWERS AND DUTIES. The regional behavioral health board:
- (1) Shall advise the state behavioral health authority through the planning council on local behavioral health needs within the region;
- (2) Shall advise the state behavioral health authority and the planning council of the progress, problems and proposed projects of the regional service;
- (3) Shall promote improvements in the delivery of behavioral health services and coordinate and exchange information regarding behavioral health programs in the region;
- (4) Shall identify gaps in available services including, but not limited to, services listed in sections 16-2402(3) and 39-3128, Idaho Code, and recommend service enhancements that address identified needs for consideration to the state behavioral health authority;
- (5) Shall assist the planning council with planning for service system improvement. The planning council shall incorporate the recommendation to the regional behavioral health boards into the annual report provided to the governor by June 30 of each year. This report shall also be provided to the legislature;

- (6) May develop, or obtain proposals for, a petition for regional services as defined in section 39-3129, Idaho Code, for consideration by the state behavioral health authority;
- (7) May accept the responsibility to develop and provide community recovery support services in their own region. The board must demonstrate readiness to accept this responsibility and shall not be held liable for services in which there is no funding to provide. The readiness criteria for accepting this responsibility shall be established by the planning council. The planning council shall also determine when a regional behavioral health board has complied with the readiness criteria. Community recovery support services include, but are not limited to:
- (a) Community6 consultation and education;
- (b) Housing to promote and sustain the ability of individuals with behavioral health disorders to live in the community and avoid institutionalization;
- (c) Employment opportunities to promote and sustain the ability of individuals with behavioral health disorders to live in the community and avoid institutionalization;
- (d) Evidence-based prevention activities that reduce the burden associated with mental illness and substance use disorders; and
- (e) Supportive services to promote and sustain the ability of individuals with behavioral health disorders to live in the community and avoid institutionalization including, but not limited to, peer run drop-in centers, support groups, transportation and family support services;
- (8) Shall annually provide a report to the planning council of its progress toward building a comprehensive community recovery support system that shall include performance and outcome data as defined and in a format established by the planning council;
- (9) Shall establish a fiscal control policy required by the state controller;
- (10) May enter into contracts with other governmental and private agencies, and this chapter hereby authorizes such other agencies to enter into contracts with the regional behavioral health board, as deemed necessary to fulfill the duties imposed upon the board to promote and sustain the ability of individuals with behavioral health disorders to live in the community and avoid institutionalization; and
- (11) Shall develop and maintain bylaws as necessary to establish the process and structure of the board.
- SECTION 16. That Section 39-3133, Idaho Code, be, and the same is hereby amended to read as follows:
- 39-3134. DIVISION ADMINISTRATOR FOR REGIONAL BEHAVIORAL HEALTH CENTERS DUTIES. The director of the department of health and welfare shall appoint a division administrator to superv9ise each regional behavioral health center and shall supervise its program; shall prescribe uniform standards of treatment and care provided by each regional center; shall set the professional qualifications for staff positions; and made such other rules as are necessary and proper to carry out the purposes and intent of this chapter.
- SECTION 17. That Section 39-3134, Idaho Code, be and the same is hereby amended to read as follows:
- 39-3135. COORDINATION OF SERVICES BETWEEN REGIONS AND STATE. The director of the department of health and welfare shall establish the areas of coordination between the regional behavioral health centers and the state psychiatric hospitals.

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

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

39-3136. FACILITIES FOR BEHAVIORAL HEALTH CENTERS. The state behavioral health authority may contract for the lease of facilities appropriate for the establishment of behavioral health centers. In order to encourage the development of comprehensive and integrated health care and whenever feasible and consistent with behavioral health treatment, these facilities shall be in or near facilities within the region housing other health services. The state behavioral health authority may, when necessary, contract with public or private agencies for the construction of appropriate facilities when approved by the advisory council for the construction of community mental health centers.

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

39-3137. FUNDS. The financial support for the regional behavioral health centers shall be furnished by state appropriations and by whatever federal funds are available in an identifiable section within the behavioral health program budgets. Behavioral health services that are financed or contracted by local or federal sources may be incorporated into the regional behavioral centers subject to the approval of the state behavioral health authority.

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

39-3138. SERVICES TO BE NONDISCRIMINATORY – FEES. No regional behavioral health center shall refuse service to any person on the basis of sex, age, ethnicity/race, creed, color, sexual orientation, gender and gender identity, economic status or disability. Persons receiving services will be charged fees in keeping with the fee schedule prepared by the state behavioral health authority. Fees collected shall become part of the operating budget and may be utilized by direction of the state behavioral health authority.

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

39-3139. EXISTING STATE-COUNTY CONTRACTS FOR SERVICES. No section of this chapter shall invalidate, or prohibit the continuance of, existing state-county contracts for the delivery of behavioral health services within the participating counties.

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

39-3140. TITLE OF CHAPTER. This chapter may be cited as the "Regional Behavioral Health Services Act."

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

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

