

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature First Regular Session - 2017

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 213

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO BEHAVIORAL HEALTH SERVICES; AMENDING SECTION 39-3122, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 39-3125, IDAHO CODE, TO REVISE PROVISIONS REGARDING MEMBERSHIP OF THE STATE BEHAVIORAL HEALTH PLANNING COUNCIL AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 39-3134, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE REGIONAL BEHAVIORAL HEALTH BOARD, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 39-3122, Idaho Code, be, and the same is hereby amended to read as follows:

39-3122. DEFINITIONS. (1) "Behavioral health" means an integrated system for evaluation and treatment of mental health and substance use disorders.

(2) "Family support partner" means an individual who has lived experience raising a child who has a mental illness or a co-occurring mental illness and substance use disorder diagnosis and who uses his or her lived experience to assist other families and has completed training and other standards promulgated by the department of health and welfare to be certified as a family support partner.

(3) "Peer support specialist" means an individual in recovery from mental illness or mental illness with a co-occurring substance use disorder who uses his or her lived experience to assist other individuals in their own recovery and has completed training and other standards promulgated by the department of health and welfare to be certified as a peer support specialist.

(4) "Region" means the administrative regions as defined by the department of health and welfare. Two (2) or more regions may consolidate for the purposes of this chapter. For the purposes of this chapter, regions will be consistent with judicial districts.

(5) "Supportive services" means ancillary nonclinical services provided as part of community family support and recovery support to promote and sustain the ability of individuals with behavioral health disorders to live in the community and avoid institutionalization. Supportive services include services provided by a family support partner or peer support specialist.

SECTION 2. 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 children and adults

1 with behavioral health disorders; to advise the state behavioral health
 2 authority on issues of concern, on policies and on programs and to provide
 3 guidance to the state behavioral health authority in the development and
 4 implementation of the state behavioral health systems plan; to monitor and
 5 evaluate the allocation and adequacy of behavioral health services within
 6 the state on an ongoing basis; to monitor and evaluate the effectiveness of
 7 state laws that address behavioral health services; to ensure that individ-
 8 uals with behavioral health disorders have access to prevention, treatment
 9 and rehabilitation services; to serve as a vehicle for policy and program
 10 development; and to present to the governor, the judiciary and the legis-
 11 lature by June 30 of each year a report on the council's activities and an
 12 evaluation of the current effectiveness of the behavioral health services
 13 provided directly or indirectly by the state to adults and children. The
 14 planning council shall establish readiness and performance criteria for the
 15 regional boards to accept and maintain responsibility for family support and
 16 recovery support services. The planning council shall evaluate regional
 17 board adherence to the readiness criteria and make a determination if the
 18 regional board has demonstrated readiness to accept responsibility over the
 19 family support and recovery support services for the region. The planning
 20 council shall report to the behavioral health authority if it determines a
 21 regional board is not fulfilling its responsibility to administer the fam-
 22 ily support and recovery support services for the region and recommend the
 23 regional behavioral health centers assume responsibility over the services
 24 until the board demonstrates it is prepared to regain the responsibility.

25 (2) The planning council shall be appointed by the governor and be
 26 comprised of no more than fifty percent (50%) state employees or providers
 27 of behavioral health services. Membership shall also reflect to the extent
 28 possible the collective demographic characteristics of Idaho's citizens.
 29 The planning council membership shall include representation from con-
 30 sumers; families of adults with serious mental illness or substance use
 31 disorders; behavioral health advocates; prevention; principal state agen-
 32 cies and the judicial branch with respect to behavioral health, education,
 33 vocational rehabilitation, adult correction, juvenile justice and law
 34 enforcement, title XIX of the social security act and other entitlement
 35 programs; public and private entities concerned with the need, planning,
 36 operation, funding and use of mental health services or substance use disor-
 37 ders, and related support services; and the regional behavioral health board
 38 in each department of health and welfare region as provided for in section
 39 39-3134, Idaho Code. The planning council may include members of the legis-
 40 lature.

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

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

48 SECTION 3. That Section 39-3134, Idaho Code, be, and the same is hereby
 49 amended to read as follows:

39-3134. REGIONAL BEHAVIORAL HEALTH BOARD -- MEMBERS -- TERMS -- APPOINTMENT. A regional behavioral health board for each region shall consist of twenty-~~two~~^{three} (2~~2~~³) members and shall be appointed as provided herein. All meetings of the regional behavioral health board shall be held in accordance with the open meetings law as provided for in chapter 23, title 674, Idaho Code. Members shall be comprised of the following: three (3) county commissioners or their designee who shall also be a county commissioner and selected by the district of the Idaho association of counties that is located within the region; 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 a 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; one (1) prevention specialist; 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 judiciary appointed by the administrative district judge; a physician or other licensed health practitioner from within the region; and a representative of a hospital within the region. The consumer, parent and family representatives 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.

~~On the effective date of this chapter, the~~ The appointing authority in each region shall be a ~~committee composed of the chairperson of the board of county commissioners of each of the counties within the region, 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, one (1) chairman of a board of commissioners of a county situated within the region who shall be selected by the district of the Idaho association of counties within the region 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.~~

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