

IN THE SENATE

SENATE BILL NO. 1224

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO BEHAVIORAL HEALTH SERVICES; AMENDING THE HEADING FOR CHAPTER 31,
2 TITLE 39, IDAHO CODE; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE
3 ADDITION OF A NEW SECTION 39-3121, IDAHO CODE, TO PROVIDE A DECLARATION
4 OF POLICY; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION
5 OF A NEW SECTION 39-3122, IDAHO CODE, TO PROVIDE DEFINITIONS; REPEALING
6 SECTION 39-3123, IDAHO CODE, RELATING TO DECLARATION OF POLICY; AMEND-
7 ING SECTION 39-3124, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE
8 TERMINOLOGY, TO PROVIDE FOR STATE SUBSTANCE USE DISORDER AUTHORITY AND
9 TO PROVIDE THAT APPROPRIATIONS TO EXECUTIVE AGENCIES OR THE JUDICIARY
10 SHALL NOT BE PROHIBITED; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY
11 THE ADDITION OF A NEW SECTION 39-3124, IDAHO CODE, TO PROVIDE FOR THE
12 ESTABLISHMENT OF AN IDAHO BEHAVIORAL HEALTH COOPERATIVE; AMENDING SEC-
13 TION 39-3125, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DUTIES AND
14 APPOINTMENT OF THE STATE BEHAVIORAL HEALTH PLANNING COUNCIL, TO REVISE
15 TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION
16 39-3126, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE FOR BUDGETARY
17 CONFINES; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION
18 OF A NEW SECTION 39-3127, IDAHO CODE, TO PROVIDE FOR THE COORDINATION
19 OF SERVICES BETWEEN REGIONS AND STATES; AMENDING CHAPTER 31, TITLE 39,
20 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3128, IDAHO CODE, TO
21 AUTHORIZE THE STATE BEHAVIORAL HEALTH AUTHORITY TO CONTRACT FOR THE
22 LEASE OF FACILITIES FOR BEHAVIORAL HEALTH CENTERS; REPEALING SECTION
23 39-3129, IDAHO CODE, RELATING TO PETITION FOR REGIONAL SERVICES; AMEND-
24 ING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
25 39-3129, IDAHO CODE, TO AUTHORIZE THE APPOINTMENT OF A DIVISION AD-
26 MINISTRATOR FOR REGIONAL BEHAVIORAL HEALTH CENTERS AND TO PROVIDE FOR
27 DUTIES OF THE ADMINISTRATOR; AMENDING SECTION 39-3127, IDAHO CODE, TO
28 REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; REPEALING SECTION
29 39-3131, IDAHO CODE, RELATING TO TERMS, VACANCIES AND COMPENSATION;
30 AMENDING SECTION 39-3128, IDAHO CODE, TO REDESIGNATE THE SECTION, TO
31 REVISE TERMINOLOGY AND TO REVISE BEHAVIORAL HEALTH SERVICES TO BE OF-
32 FERED; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A
33 NEW SECTION 39-3132, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF
34 REGIONAL BEHAVIORAL HEALTH BOARDS; REPEALING SECTION 39-3133, IDAHO
35 CODE, RELATING TO DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF HEALTH
36 AND WELFARE; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION
37 OF A NEW SECTION 39-3133, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT
38 OF AN EXECUTIVE COMMITTEE OF THE REGIONAL BEHAVIORAL HEALTH BOARDS AND
39 TO PROVIDE FOR POWERS AND DUTIES OF THE COMMITTEE; REPEALING SECTION
40 39-3134, IDAHO CODE, RELATING TO COORDINATION OF SERVICES BETWEEN RE-
41 GIONS AND STATE; AMENDING SECTION 39-3130, IDAHO CODE, TO REDESIGNATE
42 THE SECTION, TO REVISE TERMINOLOGY AND TO PROVIDE FOR MEMBERS, TERMS
43 AND APPOINTMENTS FOR THE REGIONAL BEHAVIORAL HEALTH BOARDS; REPEALING
44 SECTION 39-3134A, IDAHO CODE, RELATING TO COOPERATIVE SERVICE PLAN COM-
45

1 PONENT; REPEALING SECTION 39-3135, IDAHO CODE, RELATING TO FACILITIES
 2 FOR MENTAL HEALTH SERVICES; AMENDING SECTION 39-3132, IDAHO CODE, TO
 3 REDESIGNATE THE SECTION, TO REVISE PROVISIONS RELATING TO POWERS AND
 4 DUTIES OF THE REGIONAL BEHAVIORAL HEALTH BOARDS, TO REVISE TERMINOL-
 5 OGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-3136,
 6 IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION;
 7 AMENDING SECTION 39-3137, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING
 8 SECTION 39-3138, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION
 9 39-3139, IDAHO CODE, TO REVISE TERMINOLOGY; AND AMENDING CHAPTER 31,
 10 TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3140, IDAHO
 11 CODE, TO PROVIDE FOR RULEMAKING AUTHORITY.

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

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

15 CHAPTER 31
 16 REGIONAL ~~MENTAL~~ BEHAVIORAL HEALTH SERVICES

17 SECTION 2. That Chapter 31, Title 39, Idaho Code, be, and the same is
 18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 19 ignated as Section 39-3121, Idaho Code, and to read as follows:

20 39-3121. DECLARATION OF POLICY. It is the policy of this state to pro-
 21 vide treatment services for its citizens living with mental illness and/or
 22 substance use disorder, hereinafter referred to as behavioral health. These
 23 illnesses cause intense human suffering and severe social and economic loss
 24 to the state. Recognizing that there is insufficient funding to meet the
 25 many needs of Idahoans with behavioral health disorders, it is critical that
 26 the behavioral health system efficiently use existing and future resources
 27 and increase accountability for services and funding. Additionally, the
 28 system needs to distinguish between and accommodate for the difference
 29 in the treatment and support services for children, youth, adults and the
 30 transitions between them. Regional behavioral health services, providing
 31 early and appropriate diagnosis and treatment, have proven to be effective
 32 in reducing the adverse impact of these disorders and valuable in creating
 33 the possibility of recovery. Families play a key role in the successful
 34 treatment of behavioral health disorders and provision of services. Par-
 35 ticipation by consumers and their families in system governance is critical
 36 to ensure ongoing system improvements. Acknowledging the policy of the
 37 state to provide behavioral health services to all citizens in need of such
 38 care, it is the purpose of this chapter to delegate to the state behavioral
 39 health authority the responsibility and authority to establish and maintain
 40 regional behavioral health services in order to extend appropriate mental
 41 health and substance use disorder treatment services to its citizens within
 42 all regions of the state.

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

1 39-3122. DEFINITIONS. (1) "Behavioral health" means a person's over-
2 all emotional and psychological condition, including a person's cognitive
3 and emotional capabilities, the ability to function in society and other
4 skills needed to meet the ordinary demands of everyday life. It also de-
5 scribes the evaluation and treatment of a person's combined mental health
6 and substance use.

7 (2) "Region" means the administrative regions as defined by the depart-
8 ment of health and welfare. Two (2) or more regions may consolidate for the
9 purposes of this chapter. For the purposes of this chapter, regions will be
10 consistent with judicial districts.

11 SECTION 4. That Section 39-3123, Idaho Code, be, and the same is hereby
12 repealed.

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

15 39-31243. DESIGNATION OF STATE MENTAL HEALTH AUTHORITY AND STATE SUB-
16 STANCE USE DISORDER AUTHORITY. The Idaho department of health and welfare is
17 hereby designated by the executive branch of Idaho's government, the state
18 mental health authority and the state substance use disorder authority,
19 hereinafter referred to as the state behavioral health authority. The state
20 ~~mental~~ behavioral health authority is responsible for overseeing the state
21 of Idaho's behavioral health system of care. The department shall fulfill
22 this role through a collaborative process, taking into consideration and
23 incorporating wherever possible the recommendations and evaluations of the
24 state behavioral health planning council ~~on mental health~~ and the regional
25 ~~mental~~ behavioral health boards in all statewide efforts to expand, improve,
26 modify or transform the ~~mental~~ behavioral health service delivery system of
27 the state. ~~The state mental health authority shall identify the resources~~
28 ~~necessary for these efforts to be implemented on a statewide basis~~ The
29 provisions of this section shall not prohibit appropriations to executive
30 agencies or the judiciary to fund community-based behavioral health treat-
31 ment within their target population. The behavioral health authority shall
32 report utilization, performance, outcome and other quality assurance data
33 to the state behavioral health planning council and the regional behavioral
34 health board on an annual basis.

35 SECTION 6. That Chapter 31, Title 39, Idaho Code, be, and the same is
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
37 ignated as Section 39-3124, Idaho Code, and to read as follows:

38 39-3124. IDAHO BEHAVIORAL HEALTH COOPERATIVE. The behavioral health
39 authority shall establish the Idaho behavioral health cooperative to advise
40 it on issues related to the coordinated delivery of community-based behav-
41 ioral health services. The membership shall include representatives from
42 the Idaho state judiciary, the Idaho department of correction, the Idaho de-
43 partment of juvenile corrections, the office of drug policy, the Idaho asso-
44 ciation of counties, the state behavioral health planning council, an adult
45 consumer of services, a family member of a youth consumer of services, the
46 state department of education and the Idaho department of health and wel-

1 fare, at a minimum, but may also include other members as deemed necessary
 2 by the behavioral health authority. The Idaho behavioral health cooperative
 3 shall meet quarterly, with additional meetings called at the request of the
 4 state behavioral health authority.

5 SECTION 7. That Section 39-3125, Idaho Code, be, and the same is hereby
 6 amended to read as follows:

7 39-3125. STATE BEHAVIORAL HEALTH PLANNING COUNCIL ~~ON MENTAL~~
 8 ~~HEALTH~~. (1) A state behavioral health planning council, hereinafter re-
 9 ferred to as the planning council, shall be established to serve as an
 10 advocate for children and adults with a severe mental illness and for seri-
 11 ously emotionally disturbed children and youth behavioral health disorders;
 12 to advise the state ~~mental~~ behavioral health authority on issues of concern,
 13 on policies and on programs and to provide guidance to the mental state be-
 14 havioral health authority in the development and implementation of the state
 15 ~~mental~~ behavioral health systems plan; to monitor and evaluate the alloca-
 16 tion and adequacy of ~~mental~~ behavioral health services within the state on
 17 an ongoing basis; to monitor and evaluate the effectiveness of state laws
 18 that address behavioral health services; to ensure that individuals with
 19 ~~severe mental illness and serious emotional disturbances~~ behavioral health
 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 to adults
 28 and children. The planning council shall establish readiness and perfor-
 29 mance criteria for the regional boards to accept and maintain responsibility
 30 for family support and recovery support services. The planning council
 31 shall evaluate regional board adherence to the readiness criteria and make
 32 a determination if the regional board has demonstrated readiness to accept
 33 responsibility over the family support and recovery support services for the
 34 region. The planning council shall report to the behavioral health author-
 35 ity if it determines a regional board is not fulfilling its responsibility to
 36 administer the family support and recovery support services for the region
 37 and recommend the regional behavioral health centers assume responsibility
 38 over the services until the board demonstrates it is prepared to regain the
 39 responsibility.

40 (2) The planning council shall be appointed by the governor and be com-
 41 prised of no ~~less~~ more than fifty percent (50%) ~~family members and consumers~~
 42 ~~with mental illness~~ state employees or providers of behavioral health ser-
 43 vices. Membership shall also reflect to the extent possible the collective
 44 demographic characteristics of Idaho's citizens. The planning council
 45 membership shall ~~strive to~~ include representation from consumers, families
 46 of adults ~~individuals~~ with ~~severe~~ serious mental illness or substance use
 47 disorders; behavioral health advocates; families of children or youth with
 48 serious emotional disturbance; principal state agencies ~~including~~ and the
 49 judicial branch with respect to ~~mental~~ behavioral health, education, voca-

1 tional rehabilitation, ~~criminal justice~~ adult correction, juvenile justice
 2 and law enforcement, title XIX of the social security act and other entitle-
 3 ment programs; public and private entities concerned with the need, plan-
 4 ning, operation, funding and use of mental health services or substance use
 5 disorders, and related support services; and the regional ~~mental behavioral~~
 6 health board in each department of health and welfare region as provided for
 7 in section 39-31304, Idaho Code. The planning council may include members of
 8 the legislature ~~and the state judiciary~~.

9 (3) The planning council members will serve a term of two (2) years or
 10 at the pleasure of the governor, provided however, that of the members first
 11 appointed, one-half (1/2) of the appointments shall be for a term of one (1)
 12 year and one-half (1/2) of the appointments shall be for a term of two (2)
 13 years. The governor will appoint a chair and a vice-chair whose terms will be
 14 two (2) years.

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

16 SECTION 8. That Section 39-3126, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 39-3126. DESIGNATION OF ~~REGIONS FOR COMPREHENSIVE MENTAL~~ REGIONAL
 19 BEHAVIORAL HEALTH SERVICES CENTERS. Recognizing both the ~~right~~ need of
 20 every citizen to receive the best ~~mental behavioral~~ health services that
 21 the state is able to provide within budgetary confines and the dispropor-
 22 tionate ability of counties to finance ~~mental behavioral~~ health services,
 23 the state ~~mental behavioral~~ health authority shall designate regions and
 24 be responsible for establishing regional ~~comprehensive mental behavioral~~
 25 health ~~services~~ centers for all areas of the state. In the establishment of
 26 regions, primary consideration will be given to natural population group-
 27 ings and ~~trading~~ service areas, the regions previously designated for the
 28 establishment of other health services, the ~~mental behavioral~~ health needs
 29 of the people within the proposed regions, and the appropriate maximal use
 30 of available funding.

31 SECTION 9. That Chapter 31, Title 39, Idaho Code, be, and the same is
 32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 33 igned as Section 39-3127, Idaho Code, and to read as follows:

34 39-3127. COORDINATION OF SERVICES BETWEEN REGIONS AND STATE. The di-
 35 rector of the department of health and welfare shall coordinate services
 36 between the regional behavioral health centers, regional behavioral health
 37 boards and the state psychiatric hospitals.

38 SECTION 10. That Chapter 31, Title 39, Idaho Code, be, and the same is
 39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 40 igned as Section 39-3128, Idaho Code, and to read as follows:

41 39-3128. FACILITIES FOR BEHAVIORAL HEALTH CENTERS. The state behav-
 42 ioral health authority may contract for the lease of facilities appropri-
 43 ate for the establishment of behavioral health centers. In order to encour-
 44 age the development of comprehensive and integrated health care and whenever
 45 feasible and consistent with behavioral health treatment, these facilities

1 shall be in or near facilities within the region housing other health ser-
2 vices.

3 SECTION 11. That Section 39-3129, Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 12. That Chapter 31, Title 39, Idaho Code, be, and the same is
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
7 ignated as Section 39-3129, Idaho Code, and to read as follows:

8 39-3129. DIVISION ADMINISTRATOR FOR REGIONAL BEHAVIORAL HEALTH CEN-
9 TERS -- DUTIES. The director of the department of health and welfare shall
10 appoint a division administrator to manage the regional behavioral health
11 centers and shall supervise its program; shall prescribe uniform standards
12 of treatment, services and care provided by the regional behavioral health
13 centers and regional behavioral health boards; shall set the professional
14 qualifications for staff positions; and make such other policy as are neces-
15 sary and proper to carry out the purposes and intent of this chapter.

16 SECTION 13. That Section 39-3127, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 39-312730. RECIPROCAL AGREEMENTS BETWEEN STATES TO SHARE SERVICES. In
19 such regions where natural population groupings overlap state boundaries,
20 a an interstate regional comprehensive mental behavioral health service
21 may be established jointly with a neighboring state or states. In such
22 instances, the state mental behavioral health authority may enter into re-
23 ciprocal agreements with these states to either share the expenses of the
24 service in proportion to the population served; to allow neighboring states
25 to buy services from Idaho; or to allow Idaho to purchase services that are
26 otherwise not available to ~~her~~ its citizens.

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

29 SECTION 15. That Section 39-3128, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 39-312831. BEHAVIORAL HEALTH SERVICES TO BE OFFERED. A The regional
32 mental behavioral health service center shall include one (1) or more of the
33 provide or arrange for the delivery of services that, combined with commu-
34 nity family support and recovery support services provided through the re-
35 gional behavioral health boards, medicaid and services delivered through a
36 private provider network, will leading to the establishment of a regional
37 comprehensive mental regional behavioral health center system of care that
38 incorporates patient choice and family involvement to the extent reasonably
39 practicable and medically and professionally appropriate. A comprehensive
40 mental The regional behavioral health center may include such shall provide
41 or arrange for the delivery of the following services as:

42 ~~(1) Short-term hospitalization for psychiatric treatment in an ap-~~
43 ~~proved medical facility within the region;~~

- 1 ~~(2) Partial hospitalization;~~
2 ~~(3) Outpatient diagnosis and treatment;~~
3 ~~(4) 24-hour emergency psychiatric services;~~
4 ~~(5) Community consultation and education;~~
5 ~~(6) Diagnostic services for other agencies;~~
6 ~~(7) Rehabilitative services;~~
7 ~~(8) Precare and postcare services in cooperation with a state mental~~
8 ~~hospital;~~
9 ~~(9) Training of mental health personnel;~~
10 ~~(10) Research and evaluation;~~
11 ~~(11) Transitional housing for individuals, including juveniles, with~~
12 ~~mental illness and/or addiction disorders to promote and sustain the ability~~
13 ~~of these individuals to live in the community and avoid institutionaliza-~~
14 ~~tion; and~~
15 ~~(12) Intensive supportive services such as those delivered by assertive~~
16 ~~community treatment teams. Assertive community treatment teams provide in-~~
17 ~~dividualized treatment, rehabilitation and support services to the severely~~
18 ~~and persistently mentally ill.~~
19 (1) Treatment services for individuals who do not have other benefits
20 available to meet their behavioral health needs as resources allow includ-
21 ing, but not limited to, psychiatric services, medication management, re-
22 habilitative and community-based services, outpatient and intensive outpa-
23 tient services, assertive community treatment, case management and residen-
24 tial care;
25 (2) Community family support and recovery support services as defined
26 in section 39-3135(7), Idaho Code, until the regional behavioral health
27 board can meet the initial readiness criteria and voluntarily accepts re-
28 sponsibility for these services or if the regional behavioral health board
29 fails to sustain criteria to maintain responsibility for these services;
30 (3) Evaluation and intervention for individuals experiencing a behav-
31 ioral health emergency;
32 (4) Hospital precare and postcare services, in cooperation with state
33 and community psychiatric hospitals, for individuals who have been commit-
34 ted to the custody of the director of health and welfare pursuant to sections
35 18-212 and 66-329, Idaho Code, or who are under an involuntary treatment or-
36 der pursuant to chapter 24, title 16, Idaho Code;
37 (5) Evaluation and securing mental health treatment services as or-
38 dered by a court for individuals pursuant to section 19-2524, 20-511A or
39 20-519B, Idaho Code; and
40 (6) Evaluation and securing treatment services for individuals who are
41 accepted into mental health courts.

42 SECTION 16. That Chapter 31, Title 39, Idaho Code, be, and the same is
43 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
44 ignated as Section 39-3132, Idaho Code, and to read as follows:

45 39-3132. REGIONAL BEHAVIORAL HEALTH BOARDS -- ESTABLISHMENT. There is
46 hereby created and established in each region a regional behavioral health
47 board. It is legislative intent that the regional behavioral health boards
48 operate and be recognized not as a state agency or department, but as gov-
49 ernmental entities whose creation has been authorized by the state, much in

1 the manner as other single purpose districts. However, the regional behav-
 2 ioral health boards shall have no authority to levy taxes. For the purposes
 3 of section 59-1302(15), Idaho Code, the seven (7) regional behavioral health
 4 boards created pursuant to this chapter shall be deemed governmental enti-
 5 ties. The regional behavioral health boards are authorized to provide the
 6 community family support and recovery support services identified in sec-
 7 tion 39-3135(7), Idaho Code. The services identified in section 39-3135(7),
 8 Idaho Code, shall not be construed to restrict the services of the regional
 9 behavioral health board solely to these categories.

10 SECTION 17. That Section [39-3133](#), Idaho Code, be, and the same is hereby
 11 repealed.

12 SECTION 18. That Chapter 31, Title 39, Idaho Code, be, and the same is
 13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 14 ignated as Section 39-3133, Idaho Code, and to read as follows:

15 39-3133. EXECUTIVE COMMITTEE OF THE REGIONAL BEHAVIORAL HEALTH
 16 BOARDS. Each regional behavioral health board shall annually elect from
 17 within its membership an executive committee of five (5) members empowered
 18 to make fiscal, legal and business decisions on behalf of the full board or
 19 join with another governmental entity that can fulfill the same management
 20 infrastructure function. If the regional behavioral health board elects to
 21 create its own internal executive committee, the membership shall be repre-
 22 sentative of the regional behavioral health board membership and must, at
 23 a minimum, include one (1) mental health consumer or advocate and one (1)
 24 substance use disorder consumer or advocate. The executive committees or
 25 the partner public entity shall have the power and duty, on behalf of the
 26 regional behavioral health boards, to:

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

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

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

37 (4) Employ and fix the compensation, subject to the provisions of chap-
 38 ter 53, title 67, Idaho Code, of such personnel as may be necessary to carry
 39 out the duties of the regional behavioral health boards.

40 All meetings of the executive committee shall be held in accordance with
 41 the open meeting law as provided for in chapter 23, title 67, Idaho Code.

42 SECTION 19. That Section [39-3134](#), Idaho Code, be, and the same is hereby
 43 repealed.

44 SECTION 20. That Section 39-3130, Idaho Code, be, and the same is hereby
 45 amended to read as follows:

1 39-31304. REGIONAL MENTAL BEHAVIORAL HEALTH BOARD -- MEMBERS -- TERMS
2 -- APPOINTMENT. A regional mental behavioral health board for each region
3 shall consisting of seventeen twenty-two (1722) members is hereby created
4 and shall be appointed as provided herein. All meetings of the regional
5 behavioral health board shall be held in accordance with the open meeting
6 law as provided for in chapter 23, title 67, Idaho Code. Members shall be
7 qualified electors and shall represent comprised of the following: three
8 (3) county commissioners or their designee; two (2) department of health and
9 welfare employees who represent the mental behavioral health system within
10 the region; two one (21) parents of a children with a serious emotional dis-
11 turbance, as defined in section 16-2403, Idaho Code, provided each parent's
12 respective child is no older than twenty-one (21) years of age at the time of
13 appointment; one (1) parent of a child with a substance use disorder; a law
14 enforcement officer; three one (31) adult mental health services consumer
15 representatives, advocates or family members; one (1) mental health advo-
16 cate; one (1) substance use disorder advocate; one (1) adult substance use
17 disorder services consumer representative; one (1) family member of an adult
18 mental health services consumer; one (1) family member of an adult substance
19 use disorder services consumer; a private provider of mental health services
20 within the region; a private provider of substance use disorder services
21 within the region; a representative of the elementary or secondary public
22 education system within the region; a representative of the juvenile justice
23 system within the region; a representative of the adult correction system
24 within the region; a representative of the judiciary appointed by the admin-
25 istrative district judge; a physician or other licensed health practitioner
26 from within the region; and a representative of a hospital within the region,
27 and a member of the regional advisory substance abuse authority. The con-
28 sumer, parent and family representatives shall be selected from nominations
29 submitted by mental behavioral health consumer and advocacy organizations.
30 The board may have nonvoting members as necessary to fulfill its roles and
31 responsibilities. The board shall meet at least twice each year, and shall
32 annually elect a chairperson and other officers as it deems appropriate.

33 On the effective date of this chapter, tThe appointing authority in
34 each region shall be a committee composed of the chairperson of the board of
35 county commissioners of each of the counties within the region, the regional
36 mental health program manager for the department of health and welfare and
37 the regional director for the current chair of the regional mental health
38 board and the current chair of the regional advisory committee and, after
39 the initial appointment of members to the regional behavioral health board,
40 the current chair of the regional behavioral health board and one (1) repre-
41 sentative of the department of health and welfare. The committee shall meet
42 annually or as needed to fill vacancies on the board. The list of appoint-
43 ments shall be submitted to the department of health and welfare.

44 The appointing authority in each region shall determine if mMembers of
45 the regional mental health advisory board and the regional advisory commit-
46 tee who are serving on the effective date of this aet chapter may continue
47 to serve until the end of the current term of their appointment- or they may
48 end all current appointments and create the board membership based upon the
49 requirements of this section. If the appointing authority decides to allow
50 current members of the board to serve out their current terms, aAppointments

1 made after the effective date of this ~~act~~ chapter shall be made in a manner
2 to achieve the representation provided in this section as soon as reasonably
3 practical.

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

14 SECTION 21. That Section [39-3134A](#), Idaho Code, be, and the same is
15 hereby repealed.

16 SECTION 22. That Section [39-3135](#), Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 23. That Section 39-3132, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 39-3132~~5~~. POWERS AND DUTIES. The regional ~~mental~~ behavioral health
21 board:

22 (1) Shall advise the state ~~mental~~ behavioral health authority ~~through~~
23 and the state planning council on local ~~mental~~ behavioral health needs of
24 adults and children within the region;

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

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

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

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

34 (6~~3~~) Shall promote improvements in the delivery of ~~mental~~ behavioral
35 health services and coordinate and exchange information regarding ~~mental~~
36 behavioral health programs in the region;

37 (7~~4~~) Shall identify gaps in available services including, but not lim-
38 ited to, services listed in sections 16-2402(3) and 39-312~~8~~31, Idaho Code,
39 and recommend service enhancements that address identified needs for con-
40 sideration to the state ~~mental~~ behavioral health authority;

41 (8~~5~~) Shall assist the state planning council ~~on mental health~~ with
42 planning for service system improvement. The state planning council shall
43 incorporate the recommendation to the regional ~~mental~~ behavioral health
44 boards into the annual report provided to the governor by June 30 of each
45 year. This report shall also be provided to the legislature; ~~and~~

1 (96) May develop, or obtain proposals for, a ~~service plan compo-~~
 2 ment petition for regional services for consideration by the state ~~mental~~
 3 behavioral health authority;

4 (7) May accept the responsibility to develop and provide community fam-
 5 ily support and recovery support services in their region. The board must
 6 demonstrate readiness to accept this responsibility and shall not be held
 7 liable for services in which there is no funding to provide. The readiness
 8 criteria for accepting this responsibility shall be established by the plan-
 9 ning council. The planning council shall also determine when a regional be-
 10 havioral health board has complied with the readiness criteria. Community
 11 family support and recovery support services include, but are not limited
 12 to:

13 (a) Community consultation and education;

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

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

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

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

26 (8) If a regional board, after accepting the responsibility for a re-
 27 covery support service, fails to successfully implement and maintain access
 28 to the service, the behavioral health authority shall, after working with
 29 the board to resolve the issue, take over responsibility for the services un-
 30 til the board can demonstrate its ability to regain organization and provi-
 31 sion of the services;

32 (9) Shall annually provide a report to the planning council, the re-
 33 gional behavioral health centers and the state behavioral health authority
 34 of its progress toward building a comprehensive community family support and
 35 recovery support system that shall include performance and outcome data as
 36 defined and in a format established by the planning council; and

37 (10) The regional board may establish subcommittees as it determines
 38 necessary and shall, at a minimum, establish and maintain a children's men-
 39 tal health subcommittee.

40 SECTION 24. That Section 39-3136, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 39-3136. FUNDS. The financial support for the regional ~~mental~~
 43 behavioral health services centers shall be furnished by state appropria-
 44 tions and by whatever federal funds are available in an identifiable section
 45 within the ~~mental~~ behavioral health program budgets. Mental Behavioral
 46 health services which that are financed or contracted by local or federal
 47 sources may be incorporated into the regional ~~mental~~ behavioral health
 48 services centers subject to the approval of the state ~~mental~~ behavioral
 49 health authority.

1 SECTION 25. That Section 39-3137, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 39-3137. SERVICES TO BE NONDISCRIMINATORY -- FEES. No regional ~~mental~~
4 behavioral health service center or regional behavioral health board shall
5 refuse service to any person because of race, color or religion or because
6 of ability or inability to pay. Persons receiving services will be charged
7 fees in keeping with a fee schedule prepared by the state ~~mental~~ behavioral
8 health authority. Fees collected by the regional behavioral health center
9 shall become part of the operating its budget and may be utilized by at the
10 direction of the state ~~mental~~ behavioral health authority. Fees collected
11 by the regional behavioral board shall become part of its budget and utilized
12 at the direction of the executive board or governing entity.

13 SECTION 26. That Section 39-3138, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 39-3138. EXISTING STATE-COUNTY CONTRACTS FOR SERVICES. No section of
16 this ~~act~~ chapter shall invalidate, or prohibit the continuance of, exist-
17 ing state-county contracts for the delivery of ~~mental~~ behavioral health ser-
18 vices within the participating counties.

19 SECTION 27. That Section 39-3139, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 39-3139. TITLE OF ~~ACT~~ CHAPTER. This ~~act~~ chapter may be cited as the
22 "Regional Mental Behavioral Health Services Act."

23 SECTION 28. 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 39-3140, Idaho Code, and to read as follows:

26 39-3140. DEPARTMENT RULES. The director is authorized to promulgate
27 rules necessary to implement the provisions of this chapter that are consis-
28 tent with its provision.