

HB 2180 -- Mental Health Services

Sponsor: Harris (23)

This bill changes the laws regarding mental health services to include privately funded mental health facilities and group homes. In its main provisions, the bill:

- (1) Allows patients, residents, or clients in mental health facilities operated by the Department of Mental Health to request and receive services only from employees of the state rather than from private persons or entities under contract with the state;
- (2) Allows patients, residents, or clients who receive state-subsidized care or services to have their case managed by a qualified case worker employed by the state;
- (3) Requires the department to terminate a contract with a vendor that has a pattern of abuse and neglect of patients, residents, or clients or misappropriation of client funds or property;
- (4) Specifies that the department cannot reduce the availability of the type and amount of comprehensive psychiatric services currently provided by the state, even if all or a portion of the services are provided by private entities;
- (5) Requires the department, prior to the closure or downsizing of any state mental health facility, to submit to the Senate Appropriations Committee and the House Appropriations Committee on Health, Mental Health, and Social Services a cost-benefit analysis of and a written plan for the closure or downsizing;
- (6) Requires the department to classify the standards for each type of facility, program, or group home into three classes depending on the impact a violation would have on the client's or resident's health, safety, or welfare and creates civil monetary penalties for the violation of classified facility standards;
- (7) Prohibits a reduction in the number of residential beds in state-operated facilities if there are any individuals on a waiting list for services;
- (8) Defines "group home" as a residential facility serving nine or fewer residents that provides basic health supervision, training in skills of daily living and independent living and community integration, and social support;
- (9) Requires all private group homes and mental retardation facilities to be licensed by the department and be subject to the

same federal and state laws and regulations as state-operated facilities;

(10) Requires all employees of private group homes and mental health facilities to be subject to the same training requirements established for state mental health workers with comparable positions and to be paid an amount at least equal to the average hourly wage paid by the state to mental health workers with comparable positions;

(11) Requires private facilities and group homes that are Medicaid-waiver providers to be subject to the same medical error reporting requirements as other mental health facilities and group homes;

(12) Requires the Division of Mental Retardation and Developmental Disabilities within the department to dismiss any employee of a private mental health facility for purposely, knowingly, and willfully violating a stated or written policy of the division, any rule established by the division, or any state law directly related to the provision of mental health services regulated by the division;

(13) Requires, beginning January 1, 2009, all private mental health facilities and group homes to submit a comprehensive quarterly report to the department on any staff and personnel turnover. The report must be submitted within 30 days after the end of each calendar quarter and requires, beginning January 1, 2009, the department to submit an annual report to the General Assembly by March 15 on the information; and

(14) Prohibits the transfer of any person to a private mental health facility or group home until the provisions of the bill have been fully implemented.