

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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House Bill 5848 (Substitute S-1 as passed by the Senate)

Sponsor: Representative Donald H. Gilmer

House Committee: Mental Health

Senate Committee: Education and Mental Health

Date Completed: 10-9-90

**RATIONALE**

Three Michigan counties (Kalamazoo, Washtenaw, and Ottawa) have established or are establishing a department to provide county residents with a range of human services, including mental health services. (The Kalamazoo County Human Services Department, for example, includes within its scope of services: community mental health, public health, Community Action, Head Start, substance abuse, and transportation. The Washtenaw County department includes community mental health (CMH), public health, veterans services, cooperative extension, Community Action, Head Start, job training, and the county Department of Social Services.) Such reorganized departments have their own advisory board, which in some instances, replaced the county CMH board. In other cases, the community mental health board serves in an advisory capacity to the new board, which is authorized to alter recommendations from the mental health board. A question was presented to the Attorney General asking whether the disbanding of a county CMH board, appointed pursuant to the Mental Health Code, or the preempting by another body of the powers granted in the Code to a mental health board, would render a county mental health program out of compliance with the Code. The Attorney General ruled, September 1989, (Opinion No. 6600), that "the disbanding of a county community mental health board or the preempting of the board's powers by another county board would cause the affected county community mental health program to be out of compliance with the provisions of the Mental Health Code". In light of the ruling, some people are concerned that counties that operate human

services departments and boards may not be in compliance with the Code, and, as a result, could be in jeopardy of losing community mental health funding.

**CONTENT**

The bill would amend the Mental Health Code to require the governing board of a county human services or human resources department to assume, on a demonstration basis, the powers and duties given under the Code to the county community mental health board, if a county board of commissioners or county executive had established, before January 1, 1990, a county human services or human resources department and governing board to provide coordination or integration of human services within the county. The governing board would have to establish a CMH advisory board having the same composition as specified in the Code for a county CMH board.

The Department of Mental Health would be required, at least yearly, to evaluate the governing board of a county human services or human resources department that had assumed the powers and duties of a CMH board. The evaluation would have to include all of the following:

- The governing board's ability to perform its duties relating to the provision of mental health services.
- The governing board's accessibility to consumers, providers, and advocates of

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mental health services when the governing board was discussing matters that pertained to public mental health services.

- Whether a community mental health advisory board was an effective mechanism for increasing the ability of the governing board to deal knowledgeably with mental health issues.

These provisions of the bill would be repealed effective January 1, 1993. The bill also would eliminate a March 31, 1989, sunset date on the section creating the State Mental Health Advisory Council on Deafness.

MCL 330.1939 et al.

### **SENATE COMMITTEE ACTION**

The Senate Education and Mental Health Committee adopted a substitute bill (S-1) that added to the areas covered in an evaluation of a human services/resources department the issue of whether a community mental health advisory board would be effective in increasing a governing board's ability to deal with mental health issues.

### **FISCAL IMPACT**

The bill would result in an indeterminate cost to the local boards when administrative responsibilities expanded to include more service areas. At a minimum, coordination activities could increase service costs unless coordination with other service programs is included currently in the board's budget. However, the combined service board concept is new and data on costs have not been collected to allow for an appropriate analysis.

### **ARGUMENTS**

#### **Supporting Argument**

Persons who suffer from mental illness or developmental disabilities often need a variety of services, such as medical and dental care, transportation, and job training. Many of these services are available, but they are offered outside the mental health system. Thus, clients of mental health services must contact a number of agencies in order to receive the auxiliary services. A county human service/resource department is able to coordinate the various

services in order to provide an integrated approach in delivering them to a client. Based on the Attorney General's ruling concerning such human services departments, however, Kalamazoo, Washtenaw, and, potentially, Ottawa Counties are out of compliance with the Mental Health Code, and are in jeopardy of losing State funding. The bill would enable these counties to continue their integrated human resources programs and receive their funding, while providing for the evaluation of these programs to determine whether they were able to deliver services efficiently and effectively.

#### **Supporting Argument**

The bill would give the Department of Mental Health the opportunity to review the innovative county board structures and determine whether services were being provided to mental health consumers, families, and providers in a cost-efficient manner, before funding to the CMH boards was halted for noncompliance with the Code. During this period of evaluation, mental health services would continue to be provided as necessary.

#### **Opposing Argument**

A community mental health board is responsible for advocating on behalf of persons who need mental health services and surveying a community's mental health needs. Addressing the mental health concerns of a community is only one of the many responsibilities facing a governing board of a county human services department. Furthermore, membership on such boards is limited, which can result in poor representation of mental health interests on those boards. Given the potential lack of representation and the competition among the interests of board members, there is concern that a board's role in the mental health area could be diluted.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.