

IN THE SENATE

SENATE BILL NO. 1114, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO BEHAVIORAL HEALTH SERVICES; AMENDING THE HEADING FOR CHAPTER
2 31, TITLE 39, IDAHO CODE; REPEALING SECTION 39-3123, IDAHO CODE, RE-
3 LATING TO DECLARATION OF POLICY; AMENDING CHAPTER 31, TITLE 39, IDAHO
4 CODE, BY THE ADDITION OF A NEW SECTION 39-3122, IDAHO CODE, TO PROVIDE
5 DECLARATION OF POLICY; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY
6 THE ADDITION OF A NEW SECTION 39-3123, IDAHO CODE, TO PROVIDE DEFINI-
7 TIONS; AMENDING SECTION 39-3124, IDAHO CODE, TO REVISE TERMINOLOGY
8 AND TO PROVIDE FOR STATE SUBSTANCE USE DISORDER AUTHORITY; AMENDING
9 SECTION 39-3125, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE, TO
10 REVISE TERMINOLOGY AND TO REVISE PROVISIONS RELATING TO DUTIES AND AP-
11 POINTMENT OF THE STATE BEHAVIORAL HEALTH PLANNING COUNCIL; AMENDING
12 SECTION 39-3126, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE FOR
13 BUDGETARY CONFINES; AMENDING SECTION 39-3127, IDAHO CODE, TO REVISE
14 TERMINOLOGY; AMENDING SECTION 39-3128, IDAHO CODE, TO REVISE TERMINOL-
15 OGY AND TO REVISE BEHAVIORAL HEALTH SERVICES TO BE OFFERED; REPEALING
16 SECTION 39-3129, IDAHO CODE, RELATING TO PETITION FOR REGIONAL SER-
17 VICES; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A
18 NEW SECTION 39-3130, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF
19 REGIONAL BEHAVIORAL HEALTH BOARDS; REPEALING SECTION 39-3131, IDAHO
20 CODE, RELATING TO TERMS, VACANCIES AND COMPENSATION; AMENDING CHAPTER
21 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3131, IDAHO
22 CODE, TO PROVIDE FOR AN EXECUTIVE COMMITTEE OF THE REGIONAL BEHAVIORAL
23 HEALTH BOARDS; AMENDING SECTION 39-3130, IDAHO CODE, TO REDESIGNATE THE
24 SECTION, TO REVISE TERMINOLOGY AND TO PROVIDE FOR MEMBERS, TERMS AND AP-
25 POINTMENTS FOR THE REGIONAL BEHAVIORAL HEALTH BOARDS; AMENDING SECTION
26 39-3132, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY
27 AND TO REVISE PROVISIONS RELATING TO POWERS AND DUTIES OF THE HEALTH
28 BOARDS; AMENDING SECTION 39-3133, IDAHO CODE, TO REDESIGNATE THE SEC-
29 TION, TO REVISE TERMINOLOGY AND TO PROVIDE FOR A DIVISION ADMINISTRATOR
30 FOR EACH REGIONAL BEHAVIORAL HEALTH CENTER; AMENDING SECTION 39-3134,
31 IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; RE-
32 PEALING SECTION 39-3134A, IDAHO CODE, RELATING TO COOPERATIVE SERVICE
33 PLAN COMPONENT; AMENDING SECTION 39-3135, IDAHO CODE, TO REDESIGNATE
34 THE SECTION AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-3136, IDAHO
35 CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING
36 SECTION 39-3137, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE
37 TERMINOLOGY; AMENDING SECTION 39-3138, IDAHO CODE, TO REDESIGNATE THE
38 SECTION AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-3139, IDAHO
39 CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AND AMEND-
40 ING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
41 39-3141, IDAHO CODE, TO PROVIDE FOR RULEMAKING AUTHORITY.
42

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

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

3 CHAPTER 31
4 REGIONAL ~~MENTAL~~ BEHAVIORAL HEALTH SERVICES

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

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

10 39-3122. DECLARATION OF POLICY. It is the policy of this state to pro-
11 vide treatment services for its citizens living with mental illness and/or
12 substance use disorder. These illnesses cause intense human suffering and
13 severe social and economic loss to the state. Regional behavioral health
14 services, providing early and appropriate diagnosis and treatment, have
15 proven to be effective in reducing the adverse impact of these conditions and
16 valuable in creating the possibility of recovery. Families play a key role
17 in the successful treatment of mental illness and substance abuse disorders
18 and provision of behavioral health services. Acknowledging the policy of
19 the state to provide behavioral health services to all citizens in need of
20 such care, it is the purpose of this chapter to delegate to the state behav-
21 ioral health authority the responsibility and authority to establish and
22 maintain regional behavioral health services in order to extend appropriate
23 mental health and substance use disorder treatment services to its citizens
24 within all regions of the state.

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

28 39-3123. DEFINITIONS. (1) "Behavioral health" means a person's over-
29 all emotional and psychological condition, including a person's cognitive
30 and emotional capabilities, the ability to function in society and other
31 skills needed to meet the ordinary demands of everyday life. It also de-
32 scribes the evaluation and treatment of a person's combined mental health
33 and substance use.

34 (2) "Region" means the administrative regions as defined by the depart-
35 ment of health and welfare. Two (2) or more regions may consolidate for the
36 purposes of this chapter.

37 (3) "Serious and persistent mental illness (SPMI)" means a primary di-
38 agnosis under DSM-IV-TR of schizophrenia, schizoaffective disorder, bipo-
39 lar I disorder, bipolar II disorder, major depressive disorder recurrent
40 severe, delusional disorder or psychotic disorder not otherwise specified
41 (NOS) for a maximum of one hundred twenty (120) days without a conclusive
42 diagnosis. The psychiatric disorder must be of sufficient severity to cause
43 a substantial disturbance in role performance or coping skills in at least
44 two (2) of the following functional areas in the last six (6) months:

45 (a) Vocational or educational, or both;

- 1 (b) Financial;
 2 (c) Social relationships or support, or both;
 3 (d) Family;
 4 (e) Basic daily living skills;
 5 (f) Housing;
 6 (g) Community or legal, or both;
 7 (h) Health or medical, or both.

8 (4) "Serious emotional disturbance" means an emotional or behavioral
 9 disorder or a neuropsychiatric condition in a child under the age of eighteen
 10 (18) years that results in a serious disability and that requires sustained
 11 treatment interventions and causes the child's functioning to be impaired in
 12 thought, perception, effect or behavior. A disorder shall be considered to
 13 result in a serious disability if it causes substantial impairment of func-
 14 tioning in the family, school or community. A substance abuse disorder does
 15 not, by itself, constitute a serious emotional disturbance although it may
 16 coexist with a serious emotional disturbance.

17 (5) "Serious mental illness (SMI)" means any of the following psychi-
 18 atric illnesses as defined by the American psychiatric association in the
 19 diagnostic and statistical manual of mental disorders, text revision (DSM-
 20 IV-TR):

- 21 (a) Schizophrenia;
 22 (b) Paranoia and other psychotic disorders;
 23 (c) Bipolar disorders (mixed, manic and depressive);
 24 (d) Major depressive disorders (single episode or recurrent);
 25 (e) Schizoaffective disorders; and
 26 (f) Obsessive-compulsive disorders.

27 (6) "State behavioral health authority" means the department of health
 28 and welfare division responsible for mental health and substance use disor-
 29 ders treatment under the state behavioral health systems plan.

30 (7) "State behavioral health planning council" means Idaho's coun-
 31 cil of consumers, advocates and professionals charged with reviewing the
 32 state's behavioral health system and advising the governor, legislature
 33 and agency leaders on the successes and challenges of the behavioral health
 34 system in Idaho.

35 (8) "State behavioral health systems plan" means the state plan re-
 36 quired for federal mental health and substance use disorder funding exclud-
 37 ing any medicaid plan for the same services.

38 (9) "Substance use disorder" means the misuse or excessive use of alco-
 39 hol or other drugs or substances that significantly impact an individual's
 40 functioning.

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

43 39-3124. DESIGNATION OF STATE MENTAL HEALTH AUTHORITY AND STATE SUB-
 44 STANCE USE DISORDER AUTHORITY. The Idaho department of health and welfare is
 45 hereby designated the state mental health authority and the state substance
 46 use disorder authority, hereinafter referred to as the behavioral health
 47 authority. The ~~state mental~~ behavioral health authority is responsible for
 48 taking into consideration and incorporating the recommendations and eval-
 49 uations of the state behavioral health planning council ~~on mental health~~

1 and the regional ~~mental~~ behavioral health boards in all statewide efforts
 2 to expand, improve, modify or transform the mental health and substance use
 3 disorder service delivery system of the state. The state ~~mental~~ behavioral
 4 health authority shall identify the resources necessary for these efforts to
 5 be implemented on a statewide basis.

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

8 39-3125. STATE BEHAVIORAL HEALTH PLANNING COUNCIL ~~ON MENTAL~~
 9 ~~HEALTH~~. (1) A state behavioral health planning council, hereinafter re-
 10 ferred to as the planning council, shall be established to serve as an
 11 advocate for adults with a severe serious mental illness, and for children
 12 with a seriously emotional ly disturbed children disturbance and youth for
 13 adults and children with substance use disorders; to advise the state ~~mental~~
 14 behavioral health authority on issues of concern, on policies and on pro-
 15 grams and to provide guidance to the ~~mental~~ behavioral health authority in
 16 the development and implementation of the state ~~mental~~ behavioral health
 17 systems plan; to monitor and evaluate the allocation and adequacy of ~~mental~~
 18 behavioral health services within the state on an ongoing basis; to monitor
 19 and evaluate the effectiveness of state laws that address mental health
 20 and substance use services; to ensure that individuals with severe serious
 21 mental illness, and serious emotional disturbances and/or substance use
 22 disorders have access to prevention, treatment, prevention and rehabil-
 23 itation services including those services that go beyond the traditional
 24 mental health system; to serve as a vehicle for intra-agency and interagency
 25 policy and program development; and to present to the governor, the judi-
 26 ciary and the legislature by June 30 of each year a report on the council's
 27 achievements activities and the impact on the quality of life that mental an
 28 evaluation of the current effectiveness of the behavioral health services
 29 has on citizens of provided directly or indirectly by the state.

30 (2) The planning council shall be appointed by the governor and be com-
 31 prised of no less more than fifty percent (50%) family members and consumers
 32 with mental illness state employees or providers of behavioral health ser-
 33 vices. Membership shall also reflect to the extent possible the collective
 34 demographic characteristics of Idaho's citizens. The planning council
 35 membership shall strive to include representation from consumers, families
 36 of adult individuals with severe serious mental illness or substance use
 37 disorders; families of children or youth with serious emotional disturbance
 38 or substance use disorders; principal state agencies including the judi-
 39 cial branch with respect to mental behavioral health, education, vocational
 40 rehabilitation, criminal justice adult correction and juvenile justice,
 41 title XIX of the social security act and other entitlement programs; public
 42 and private entities concerned with the need, planning, operation, funding
 43 and use of mental health services or substance use disorders, and related
 44 support services; and the regional ~~mental~~ behavioral health board in each
 45 department of health and welfare region as provided for in section 39-31302,
 46 Idaho Code. The planning council may include members of the legislature and
 47 the state judiciary.

48 (3) The planning council members will serve a term of two (2) years or
 49 at the pleasure of the governor, provided however, that of the members first

1 appointed, one-half (1/2) of the appointments shall be for a term of one (1)
 2 year and one-half (1/2) of the appointments shall be for a term of two (2)
 3 years. The governor will appoint a chair and a vice-chair whose terms will be
 4 two (2) years.

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

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

8 39-3126. DESIGNATION OF ~~REGIONS FOR COMPREHENSIVE MENTAL~~ REGIONAL
 9 BEHAVIORAL HEALTH SERVICES CENTERS. Recognizing both the ~~right~~ need of
 10 every citizen to receive the best mental behavioral health services that
 11 the state is able to provide within budgetary confines and the dispropor-
 12 tionate ability of counties to finance ~~mental behavioral~~ health services,
 13 the state ~~mental behavioral~~ health authority shall designate regions and
 14 be responsible for establishing regional ~~comprehensive mental behavioral~~
 15 health services centers for all areas of the state. In the establishment of
 16 regions, primary consideration will be given to natural population group-
 17 ings and ~~trading~~ service areas, the regions previously designated for the
 18 establishment of other health services, the ~~mental behavioral~~ health needs
 19 of the people within the proposed regions, and the appropriate maximal use
 20 of available funding.

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

23 39-3127. RECIPROCAL AGREEMENTS BETWEEN STATES TO SHARE SERVICES. In
 24 such regions where natural population groupings overlap state boundaries,
 25 an interstate regional comprehensive mental behavioral health service
 26 may be established jointly with a neighboring state or states. In such
 27 instances, the state mental behavioral health authority may enter into re-
 28 ciprocal agreements with these states to either share the expenses of the
 29 service in proportion to the population served; to allow neighboring states
 30 to buy services from Idaho; or to allow Idaho to purchase services that are
 31 otherwise not available to her its citizens.

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

34 39-3128. BEHAVIORAL HEALTH SERVICES TO BE OFFERED. A The regional
 35 mental behavioral health service center shall include one (1) or more of
 36 the provide or arrange for the delivery of services that, combined with
 37 community recovery support provided through the regional behavioral health
 38 boards, medicaid and services delivered through a private provider net-
 39 work, will leading to the establishment of a regional comprehensive mental
 40 regional behavioral health center system of care that incorporates patient
 41 choice and family involvement to the extent reasonably practicable and medi-
 42 cally and professionally appropriate. A comprehensive mental The regional
 43 behavioral health center may include such shall provide or arrange for the
 44 delivery of the following services as:

1 ~~(1) Short-term hospitalization for psychiatric treatment in an ap-~~
 2 ~~proved medical facility within the region Evaluation and intervention for~~
 3 ~~individuals experiencing a behavioral health emergency;~~

4 ~~(2) Partial hospitalization Hospital precare and postcare services, in~~
 5 ~~cooperation with state and community psychiatric hospitals, for individuals~~
 6 ~~who have been committed to the custody of the director of health and welfare~~
 7 ~~pursuant to sections 18-212 and 66-329, Idaho Code, or who are under an in-~~
 8 ~~voluntary treatment order pursuant to chapter 24, title 16, Idaho Code;~~

9 ~~(3) Outpatient diagnosis and treatment Evaluation and securing mental~~
 10 ~~health treatment services as court ordered for individuals pursuant to sec-~~
 11 ~~tion 19-2524, 20-511A or 20-519B, Idaho Code;~~

12 ~~(4) 24-hour emergency psychiatric services Evaluation and securing~~
 13 ~~treatment services for individuals who are accepted into mental health~~
 14 ~~courts;~~

15 ~~(5) Community consultation and education Treatment services to adults~~
 16 ~~with a serious and persistent mental illness, adults with a substance use~~
 17 ~~disorder, children with a serious emotional disturbance and children with a~~
 18 ~~substance use disorder who do not have any other benefits available to meet~~
 19 ~~their behavioral health needs as resources allow including, but not limited~~
 20 ~~to, psychiatric services, medication management, outpatient and intensive~~
 21 ~~outpatient services, assertive community treatment, case management and~~
 22 ~~residential care; and~~

23 ~~(6) Diagnostic services for other agencies; Community recovery support~~
 24 ~~services as defined in section 39-3133(8), Idaho Code, until the regional~~
 25 ~~behavioral health board can meet the criteria necessary to be responsible~~
 26 ~~for these services.~~

27 ~~(7) Rehabilitative services;~~

28 ~~(8) Precaire and postcaire services in cooperation with a state mental~~
 29 ~~hospital;~~

30 ~~(9) Training of mental health personnel;~~

31 ~~(10) Research and evaluation;~~

32 ~~(11) Transitional housing for individuals, including juveniles, with~~
 33 ~~mental illness and/or addiction disorders to promote and sustain the ability~~
 34 ~~of these individuals to live in the community and avoid institutionaliza-~~
 35 ~~tion; and~~

36 ~~(12) Intensive supportive services such as those delivered by assertive~~
 37 ~~community treatment teams. Assertive community treatment teams provide in-~~
 38 ~~dividualized treatment, rehabilitation and support services to the severely~~
 39 ~~and persistently mentally ill.~~

40 SECTION 10. That Section [39-3129](#), Idaho Code, be, and the same is hereby
 41 repealed.

42 SECTION 11. 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 39-3130, Idaho Code, and to read as follows:

45 39-3130. REGIONAL BEHAVIORAL HEALTH BOARDS -- ESTABLISHMENT. There
 46 is hereby created and established in each judicial district according to
 47 chapter 8, title 1, Idaho Code, a regional behavioral health board. It is
 48 the legislative intent that the regional behavioral health boards operate

1 and be recognized not as a state agency or department, but as governmental
 2 entities whose creation has been authorized by the state, much in the manner
 3 as other single purpose districts. However, the regional behavioral health
 4 boards shall have no authority to levy taxes. For the purposes of section
 5 59-1302(15), Idaho Code, the seven (7) regional behavioral health boards
 6 created pursuant to this chapter shall be deemed governmental entities. The
 7 regional behavioral health boards are authorized to provide the community
 8 recovery support services identified in section 39-3133 (7), Idaho Code.
 9 The services identified in section 39-3133(7), Idaho Code, shall not be
 10 construed to restrict the services of the regional behavioral health board
 11 solely to these categories.

12 SECTION 12. That Section 39-3131, Idaho Code, be, and the same is hereby
 13 repealed.

14 SECTION 13. That Chapter 31, Title 39, Idaho Code, be, and the same is
 15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 16 ignated as Section 39-3131, Idaho Code, and to read as follows:

17 39-3131. EXECUTIVE COMMITTEE OF THE REGIONAL BEHAVIORAL HEALTH
 18 BOARDS. Each regional behavioral health board shall annually elect from
 19 within its membership an executive committee of five (5) members empowered
 20 to make fiscal, legal and business decisions on behalf of the board. The
 21 executive committee membership shall be representative of the regional
 22 behavioral health board membership and must, at a minimum, include one (1)
 23 mental health consumer or advocate and one (1) substance use disorder con-
 24 sumer or advocate. The executive committees shall have the power and duty,
 25 on behalf of the regional behavioral health boards, to:

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

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

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

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

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

41 SECTION 14. That Section 39-3130, Idaho Code, be, and the same is hereby
 42 amended to read as follows:

43 39-31302. REGIONAL MENTAL BEHAVIORAL HEALTH BOARD -- MEMBERS -- TERMS
 44 -- APPOINTMENT. A regional mental behavioral health board for each region
 45 shall consisting of seventeen twenty-two (1722) members is hereby created
 46 and shall be appointed as provided herein. All meetings of the regional

1 behavioral health board shall be held in accordance with the open meeting
 2 law as provided for in chapter 23, title 67, Idaho Code. Members shall be
 3 ~~qualified electors and shall represent~~ comprised of the following: three
 4 (3) county commissioners; two (2) department of health and welfare employees
 5 who represent the ~~mental~~ behavioral health system within the region; ~~two one~~
 6 (2) parents of a children with a serious emotional disturbance, as defined
 7 in section 16-2403, Idaho Code, provided each parent's respective child is
 8 no older than twenty-one (21) years of age at the time of appointment; one
 9 (1) parent of a child with a substance use disorder; a law enforcement offi-
 10 cer; ~~three one (3) adult mental health services consumer representatives,~~
 11 advocates or family members; one (1) mental health advocate; one (1) sub-
 12 stance use disorder advocate; one (1) adult substance use disorder services
 13 consumer representative; one (1) family member of an adult mental health
 14 services consumer; one (1) family member of an adult substance use disorder
 15 services consumer; a private provider of mental health services within the
 16 region; a private provider of substance use disorder services within the
 17 region; a representative of the elementary or secondary public education
 18 system within the region; a representative of the juvenile justice system
 19 within the region; a representative of the adult correction system within
 20 the region; a representative of the judiciary appointed by the administra-
 21 tive district judge; a physician or other licensed health practitioner from
 22 within the region; and a representative of a hospital within the region; and
 23 a member of the regional advisory substance abuse authority. The consumer,
 24 parent and family representatives shall be selected from nominations sub-
 25 mitted by ~~mental~~ behavioral health consumer and advocacy organizations.
 26 The board may have nonvoting members as necessary to fulfill its roles and
 27 responsibilities. The board shall meet at least twice each year, and shall
 28 annually elect a chairperson and other officers as it deems appropriate.

29 The appointing authority in each region shall be a committee composed
 30 of the chairperson of the board of county commissioners of each of the coun-
 31 ties within the region, ~~the regional mental health program manager for the~~
 32 ~~department of health and welfare and the regional director for~~ on the effec-
 33 tive date of this chapter, the current chair of the regional mental health
 34 board and the current chair of the regional advisory committee and, after the
 35 initial appointment of members to the regional behavioral health board, the
 36 current chair of the regional behavioral health board and one (1) represen-
 37 tative of the department of health and welfare. The committee shall meet an-
 38 nually or as needed to fill vacancies on the board. The list of appointments
 39 shall be submitted to the department of health and welfare.

40 The appointing authority in each region shall determine if ~~m~~Members of
 41 the regional mental health advisory board and the regional advisory commit-
 42 tee who are serving on the effective date of this ~~aet~~ chapter may continue
 43 to serve until the end of the current term of their appointment- or they may
 44 end all current appointments and create the board membership based upon the
 45 requirements of this section. If the appointing authority decides to allow
 46 current members of the board to serve out their current terms, aAppointments
 47 made after the effective date of this ~~aet~~ chapter shall be made in a manner
 48 to achieve the representation provided in this section as soon as reasonably
 49 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 by
 8 section 59-509(b), Idaho Code, and such compensation shall be paid from the
 9 operating budget of the regional behavioral health board as resources allow.

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

12 39-3132~~3~~3. POWERS AND DUTIES. The regional ~~mental~~ behavioral health
 13 board:

14 (1) Shall advise the state ~~mental~~ behavioral health authority through
 15 the ~~state~~ planning council on local ~~mental~~ behavioral health needs within
 16 the region;

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

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

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

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

26 ~~(6) Shall promote improvements in the delivery of mental behavioral~~
 27 ~~health services and coordinate and exchange information regarding mental~~
 28 ~~behavioral health programs in the region;~~

29 ~~(7) Shall identify gaps in available services including, but not lim-~~
 30 ~~ited to, services listed in sections 16-2402(3) and 39-3128, Idaho Code, and~~
 31 ~~recommend service enhancements that address identified needs for considera-~~
 32 ~~tion to the state mental behavioral health authority;~~

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

38 ~~(9) May develop, or obtain proposals for, a service plan compo-~~
 39 ~~nent petition for regional services for consideration by the state mental~~
 40 ~~behavioral health authority;~~

41 (7) May accept the responsibility to develop and provide community
 42 recovery support services in their region. The board must demonstrate
 43 readiness to accept this responsibility and shall not be held liable for
 44 services in which there is no funding to provide. The readiness criteria for
 45 accepting this responsibility shall be established by the planning council.
 46 The planning council shall also determine when a regional behavioral health
 47 board has complied with the readiness criteria. Community recovery support
 48 services include, but are not limited to:

49 (a) Community consultation and education;

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

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

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

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

13 (8) Shall annually provide a report to the planning council of its
 14 progress toward building a comprehensive community recovery support system
 15 that shall include performance and outcome data as defined and in a format
 16 established by the planning council.

17 SECTION 16. That Section 39-3133, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 39-31334. DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE DIVISION
 20 ADMINISTRATOR FOR REGIONAL BEHAVIORAL HEALTH CENTERS -- DUTIES. The direc-
 21 tor of the department of health and welfare shall appoint and a division
 22 administrator to supervise the directors of each regional mental behavioral
 23 health service center and shall supervise its program; shall prescribe
 24 uniform standards of treatment and care provided by each regional service
 25 center; shall set the professional qualifications for staff positions; and
 26 make such other rules as are necessary and proper to carry out the purposes
 27 and intent of this act chapter.

28 SECTION 17. That Section 39-3134, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 39-31345. COORDINATION OF SERVICES BETWEEN REGIONS AND STATE. The
 31 director of the department of health and welfare shall establish the areas
 32 of coordination between the regional comprehensive mental behavioral health
 33 services centers and the state mental psychiatric hospitals services.

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

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

38 39-31356. FACILITIES FOR MENTAL BEHAVIORAL HEALTH SERVICES
 39 CENTERS. The state mental behavioral health authority may contract for the
 40 lease of facilities appropriate for the establishment of comprehensive
 41 mental behavioral health services centers. In order to encourage the devel-
 42 opment of comprehensive and integrated health care and whenever feasible and
 43 consistent with comprehensive mental behavioral health treatment, these
 44 facilities shall be in or near facilities within the region housing other

1 health services. The state ~~mental~~ behavioral health authority may, when
2 necessary, contract with public or private agencies for the construction
3 of appropriate facilities when approved by the advisory council for the
4 construction of community mental health centers.

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

7 39-31367. FUNDS. The financial support for the regional ~~mental~~
8 behavioral health ~~services~~ centers shall be furnished by state appropria-
9 tions and by whatever federal funds are available in an identifiable section
10 within the ~~mental~~ behavioral health program budgets. ~~Mental Behavioral~~
11 health services ~~which~~ that are financed or contracted by local or federal
12 sources may be incorporated into the regional ~~mental~~ behavioral health
13 ~~services~~ centers subject to the approval of the state ~~mental~~ behavioral
14 health authority.

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

17 39-31378. SERVICES TO BE NONDISCRIMINATORY -- FEES. No regional
18 ~~mental~~ behavioral health ~~service~~ center shall refuse service to any person
19 because of race, color or religion or because of ability or inability to
20 pay. Persons receiving services will be charged fees in keeping with a fee
21 schedule prepared by the state ~~mental~~ behavioral health authority. Fees
22 collected shall become part of the operating budget and may be utilized by
23 direction of the state ~~mental~~ behavioral health authority.

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

26 39-31389. EXISTING STATE-COUNTY CONTRACTS FOR SERVICES. No section of
27 this ~~act~~ chapter shall invalidate, or prohibit the continuance of, exist-
28 ing state-county contracts for the delivery of ~~mental~~ behavioral health ser-
29 vices within the participating counties.

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

32 39-313940. TITLE OF ~~ACT~~ CHAPTER. This ~~act~~ chapter may be cited as the
33 "Regional ~~Mental Behavioral~~ Health Services Act."

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

37 39-3141. DEPARTMENT RULES. The director is authorized to promulgate
38 rules necessary to implement the provisions of this chapter that are consis-
39 tent with its provision.