

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 337

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO BEHAVIORAL HEALTH; AMENDING SECTION 39-3122, IDAHO CODE, TO DE-  
FINE TERMS; AMENDING SECTION 39-3125, IDAHO CODE, TO REVISE PROVISIONS  
REGARDING THE STATE BEHAVIORAL HEALTH PLANNING COUNCIL; AND AMENDING  
SECTION 39-3134, IDAHO CODE, TO REVISE PROVISIONS REGARDING REGIONAL  
BEHAVIORAL HEALTH BOARDS.

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 dis-  
orders.

(2) "Family support partner" means an individual who:

(a) Has lived experience caring for a child with a behavioral health di-  
agnosis, mental illness or mental illness with a co-occurring substance  
use disorder;

(b) Has specialized training related to such care; and

(c) Has successfully navigated the various systems of care.

(3) "Peer support specialist" means an individual in recovery from men-  
tal illness or mental illness with a co-occurring substance use disorder who  
uses his or her lived experience and specialized training to assist other in-  
dividuals in their own recovery.

(4) "Recovery coach" means an individual who has lived experience of  
recovery from a substance use disorder or co-occurring mental illness, ei-  
ther as a person in recovery or as a family member or significant other who  
uses his or her lived experience and specialized training to assist other in-  
dividuals in their own recovery.

(5) "Region" means the administrative regions as defined by the depart-  
ment 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.

(6) "Supportive services" means ancillary non-clinical services pro-  
vided 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 in-  
clude services provided by a family support partner, peer support specialist  
or recovery coach.

SECTION 2. That Section 39-3125, Idaho Code, be, and the same is hereby  
amended to read as follows:

1           39-3125. STATE BEHAVIORAL HEALTH PLANNING COUNCIL. (1) A state be-  
2 havioral health planning council, hereinafter referred to as the planning  
3 council, shall be established to serve as an advocate for children and adults  
4 with behavioral health disorders; to advise the state behavioral health  
5 authority on issues of concern, on policies and on programs and to provide  
6 guidance to the state behavioral health authority in the development and  
7 implementation of the state behavioral health systems plan; to monitor and  
8 evaluate the allocation and adequacy of behavioral health services within  
9 the state on an ongoing basis; to monitor and evaluate the effectiveness of  
10 state laws that address behavioral health services; to ensure that individ-  
11 uals with behavioral health disorders have access to prevention, treatment  
12 and rehabilitation services; to serve as a vehicle for policy and program  
13 development; and to present to the governor, the judiciary and the legis-  
14 lature by June 30 of each year a report on the council's activities and an  
15 evaluation of the current effectiveness of the behavioral health services  
16 provided directly or indirectly by the state to adults and children. The  
17 planning council shall establish readiness and performance criteria for the  
18 regional boards to accept and maintain responsibility for family support and  
19 recovery support services. The planning council shall evaluate regional  
20 board adherence to the readiness criteria and make a determination if the  
21 regional board has demonstrated readiness to accept responsibility over the  
22 family support and recovery support services for the region. The planning  
23 council shall report to the behavioral health authority if it determines a  
24 regional board is not fulfilling its responsibility to administer the fam-  
25 ily support and recovery support services for the region and recommend the  
26 regional behavioral health centers assume responsibility over the services  
27 until the board demonstrates it is prepared to regain the responsibility.

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

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

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

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

3 39-3134. REGIONAL BEHAVIORAL HEALTH BOARD -- MEMBERS -- TERMS -- AP-  
4 POINTMENT. A regional behavioral health board for each region shall consist  
5 of twenty-~~two~~three (22~~3~~) members and shall be appointed as provided herein.  
6 All meetings of the regional behavioral health board shall be held in accor-  
7 dance with the open meetings law as provided for in chapter 2, title 74, Idaho  
8 Code. Members shall be comprised of the following: three (3) county commis-  
9 sioners ~~or their designee~~; two (2) department of health and welfare employ-  
10 ees who represent the behavioral health system within the region; one (1)  
11 parent of a child with a serious emotional disturbance; one (1) parent of a  
12 child with a substance use disorder; a law enforcement officer; one (1) adult  
13 mental health services consumer representative; one (1) mental health advo-  
14 cate; one (1) substance use disorder advocate; one (1) adult substance use  
15 disorder services consumer representative; one (1) family member of an adult  
16 mental health services consumer; one (1) family member of an adult substance  
17 use disorder services consumer; one (1) prevention specialist; a private  
18 provider of mental health services within the region; a private provider of  
19 substance use disorder services within the region; a representative of the  
20 elementary or secondary public education system within the region; a repre-  
21 sentative of the juvenile justice system within the region; a representative  
22 of the adult correction system within the region; a representative of the ju-  
23 diciary appointed by the administrative district judge; a physician or other  
24 licensed health practitioner from within the region; and a representative of  
25 a hospital within the region. The consumer, parent and family representa-  
26 tives shall be selected from nominations submitted by behavioral health con-  
27 sumer and advocacy organizations. The board may have nonvoting members as  
28 necessary to fulfill its roles and responsibilities. The board shall meet at  
29 least twice each year and shall annually elect a chairperson and other offi-  
30 cers as it deems appropriate.

31 ~~On the effective date of this chapter, t~~The appointing authority in  
32 each region shall be a committee composed of the chairperson of the board  
33 of county commissioners of each of the counties within the region, the cur-  
34 rent chair of the regional mental health board and the current chair of the  
35 regional advisory committee and, after the initial appointment of members  
36 ~~to the regional behavioral health board,~~ the current chair of the regional  
37 behavioral health board, and one (1) representative of the department of  
38 health and welfare and one (1) chair of a board of county commissioners of a  
39 county situated within the region. The committee shall meet annually or as  
40 needed to fill vacancies on the board.

41 ~~The appointing authority in each region shall determine if members of~~  
42 ~~the regional mental health board and the regional advisory committee who are~~  
43 ~~serving on the effective date of this chapter may continue to serve until the~~  
44 ~~end of the current term of their appointment or they may end all current ap-~~  
45 ~~pointments and create the board membership based upon the requirements of~~  
46 ~~this section. If the appointing authority decides to allow current members~~  
47 ~~of the board to serve out their current terms, appointments made after the~~  
48 ~~effective date of this chapter shall be made in a manner to achieve the repre-~~  
49 ~~sentation 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.