



JENNIFER KENT
DIRECTOR

State of California—Health and Human Services Agency
Department of Health Care Services



GAVIN NEWSOM
GOVERNOR

August 15, 2019

The Honorable Anthony Portantino, Chair
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

Dear Senator Portantino:

ASSEMBLY BILL 43 (AS AMENDED JUNE 24, 2019) – OPPOSE

The Department of Health Care Services (DHCS) must inform you of its opposition to Assembly Bill (AB) 43, which would require DHCS, the Department of Finance, and any other state agency to provide the Mental Health Services Oversight and Accountability Commission (MHSOAC) with information relative to behavioral health services and programs, as determined by the MHSOAC.

Although DHCS understands the importance of community involvement and transparency of the Mental Health Services Act (MHSA) programs and expenditures, DHCS opposes AB 43 because the bill expands the scope of the MHSOAC beyond the MHSA to include other mental health programs, without identifying a funding source for the expanded responsibilities. The MHSOAC's primary source of funding is monies generated from the MHSA. Without another funding source identified, the bill seems to intend that the MHSOAC would use MHSA funds to implement all of its new duties, even those unrelated to the MHSA. However, MHSA funds may only be used to pay for MHSA programs and may not be used to pay for any other program.

In addition, the bill is duplicative of DHCS' current responsibilities with respect to MHSA expenditures reporting. The MHSA outlines requirements for the content and submission of the MHSA Annual Revenue and Expenditure Report (ARERs). Counties are already required to report on MHSA revenues, expenditures, unspent funds, and other sources of funding generated as a result of the MHSA (e.g., Federal Financial Participation, etc.). Counties are also already required to report on MHSA funding spent on veterans. Counties must also post their ARERs on their websites on an annual basis. The bill is unclear regarding how the proposed functions of the MHSOAC would differ from DHCS with respect to the reporting of MHSA expenditures.

Finally, the release of "detailed demographic information" (e.g., age, race, sexual orientation, veteran status, etc.), may result in the re-identification of individuals

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receiving mental health services, including Medi-Cal beneficiaries, to the public. Publishing potentially sensitive data regarding Medi-Cal beneficiaries would be inconsistent with existing federal and state laws, which require the confidentiality of all Medi-Cal data unless the information request serves a purpose directly connected with the administration of the Medi-Cal program.

For these reasons, DHCS must oppose AB 43.

If you have any questions regarding our position, please feel free to contact me at (916) 440-7500.

Sincerely,

o/s/by: CG

Carol Gallegos, Deputy Director
Legislative & Governmental Affairs
Department of Health Care Services

cc: The Honorable Assemblymember Todd Gloria
State Capitol, Room 2176
Sacramento, CA 95814

Vice Chair and Members, Senate Appropriations Committee
Senate Republican Caucus
Senate Floor Analysis
Department of Finance
CHHSA Legislative Unit
GO Deputy Legislative Secretary