

2017 -- H 5578

LC001328

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS -- GOVERNOR'S COUNCIL ON BEHAVIOR HEALTH

Introduced By: Representatives Donovan, Casimiro, Carson, Ackerman, and Kazarian

Date Introduced: February 16, 2017

Referred To: House Health, Education & Welfare

(Dept. of BHDDH)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 40.1-29-2, 40.1-29-3, 40.1-29-4, 40.1-29-5 and 40.1-29-6 of the
2 General Laws in Chapter 40.1-29 entitled "Governor's Council on Behavioral Health" are hereby
3 amended to read as follows:

4 **40.1-29-2. Legislative purpose.**

5 The purpose of the council is to advise the governor and general assembly on policies,
6 goals and operations of the behavioral health program, including the program areas of substance
7 ~~abuse~~ use disorder and mental health, and on other matters the director of ~~mental health,~~
8 ~~retardation,~~ behavioral healthcare, developmental disabilities and hospitals refers to it and to
9 encourage public understanding and support of the behavioral health program.

10 **40.1-29-3. Members.**

11 (a) The council shall consist of ~~twenty-six (26)~~ thirty-one (31) voting members.

12 (1) There shall be four (4) members of the legislature, two (2) shall be from the senate
13 and shall be appointed by the ~~lieutenant-governor~~ senate president to serve for their legislative
14 term, one from each of the major political parties, and two (2) shall be from the house of
15 representatives and shall be appointed by the speaker to serve for their legislative term, one from
16 each of the two (2) major political parties.

17 (2) The non-legislative members shall be the executive director of the ~~Drug and Alcohol~~
18 ~~Treatment Association, the executive director of the Council of Community Mental Health~~

1 ~~Organizations~~ [Substance Use and Mental Health Leadership Council of RI](#), the mental health
2 advocate, [the child advocate](#) and a representative of the AFL-CIO to be appointed by the
3 governor.

4 (3) The remaining ~~eighteen (18)~~ [twenty-three \(23\)](#) public members shall be appointed by
5 and serve at the pleasure of the governor and shall represent such community interests as
6 substance ~~abuse~~ [use disorder](#) treatment and prevention professionals, [youth with behavioral health](#)
7 [challenges or their representatives](#), consumers of substance ~~abuse~~ [use disorder](#) programs and their
8 families, mental health treatment professionals, adult and elderly consumers of mental health
9 services and their families, families of children who are consumers of mental health and
10 substance abuse services, the judiciary, criminal justice officials and local government officials.

11 (4) Not less than fifty (50%) percent of the public members shall be individuals who are
12 not state employees or providers of behavioral health services.

13 (5) There shall be sufficient representation by the families of children who are consumers
14 of mental health and substance ~~abuse~~ [use disorder](#) services in order to ensure adequate
15 representation of such children.

16 (6) Every effort shall be made to ensure that appointed members represent the cultural
17 diversity of the state.

18 (7) All members shall have demonstrable expertise in, or experience with substance
19 ~~abuse~~ [use disorders](#) or mental health services in Rhode Island. In addition, the directors or their
20 designees of the departments of children, youth, and families; corrections; education; health;
21 human services; ~~elderly affairs and mental health, retardation,~~ [behavioral healthcare,](#)
22 [developmental disabilities](#) and hospitals [and the division of elderly affairs](#); the attorney general or
23 designee and the executive director of the Rhode Island justice commission shall serve as ex
24 officio and without a vote as members of the council.

25 (b) Any vacancy which may occur in the council shall be filled in the same manner as the
26 original appointments.

27 (c) The governor shall designate one member as the chairperson of the council.

28 **40.1-29-4. Meetings.**

29 The council shall meet at least six (6) times a year. Failure to attend three (3) meetings in
30 a year may result in a recommendation of removal from the council to the governor or other
31 appropriate appointing authority. [A quorum at the meeting shall consist of seven \(7\) voting](#)
32 [members present.](#)

33 **40.1-29-5. Functions.**

34 The functions of the council shall be:

1 (1) To review and evaluate the behavioral health needs and problems in the state and
2 propose such recommendations as are appropriate;

3 (2) To stimulate and seek the development and coordination of all programs relating to
4 behavioral health, including, but not limited to, such areas as care and treatment, prevention,
5 manpower, research and public education;

6 (3) To encourage interdisciplinary approaches to combating, treating and preventing
7 substance ~~abuse~~ use disorders and mental illness, focusing in particular on integrating support
8 systems for behavioral health care;

9 (4) To act as the advisory committee to the department of ~~mental health, retardation,~~
10 behavioral healthcare, developmental disabilities and hospitals and the governor on any funds
11 made available to the department by the federal government for substance ~~abuse~~ use disorders
12 and/or mental health treatment and prevention purposes;

13 (5) To stimulate and investigate research as it affects planning and implementation of
14 behavioral health care systems in the health care environment;

15 (6) To make an annual report to the governor and the general assembly during the month
16 of January, setting forth:

17 (i) The nature and extent of the behavioral health care problems in the state;

18 (ii) Such information and recommendations as the council deems necessary to deal with
19 the problems as documented;

20 (iii) A review of the council's activities during the preceding year, including but not
21 limited to, reports relative to activity, performance and need;

22 (iv) Any plans developed by the council to deal with the behavioral health care problems
23 identified by the council;

24 (v) Other recommendations as may be appropriate and in the public interest.

25 **40.1-29-6. Staff and employees.**

26 The director of ~~mental health, retardation,~~ behavioral healthcare, developmental
27 disabilities and hospitals shall provide the council with such professional and secretarial staff and
28 other support as shall be appropriate for it to carry out its designated functions. The director of the
29 department of children, youth, and families and the director of the ~~department~~ division of elderly
30 affairs shall provide the council with such additional professional and secretarial staff and other
31 employees as shall be appropriate for the council to carry out functions related to the respective
32 responsibilities of these departments. All departments and agencies of the state shall furnish any
33 advice and information, documentary and otherwise, to the council that is deemed necessary to
34 fulfill the purpose and functions of the council.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND
HOSPITALS -- GOVERNOR'S COUNCIL ON BEHAVIOR HEALTH

1 This act would increase the membership and change the composition of the governor's
2 council on behavioral health from twenty-six (26) to thirty-one (31) voting members and would
3 make technical amendments to reflect the current names of state departments/divisions/agencies
4 enumerated in the statute.

5 This act would take effect upon passage.

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