

HOUSE BILL NO. 407

1 AN ACT TO AMEND SECTION 41-4-7, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF MENTAL HEALTH TO CERTIFY, COORDINATE
3 AND ESTABLISH MINIMUM STANDARDS AND ESTABLISH MINIMUM REQUIRED
4 SERVICES FOR THE CERTIFICATION OF PRIVATELY-OWNED MENTAL HEALTH
5 PROVIDERS WHO ARE NOT A PART OF THE STATE-OPERATED MENTAL HEALTH
6 COMMUNITY PROVIDERS AND DO NOT RECEIVE FUNDING FROM STATE MENTAL
7 HEALTH FUNDS PROVIDED BY THE DEPARTMENT; TO PROVIDE THAT THE
8 ADDITIONAL CERTIFICATION CLASSIFICATION SHALL BE REQUIRED TO MEET
9 MINIMUM STANDARDS FOR SERVICES AND SAFETY AS THOSE PROMULGATED FOR
10 REGIONAL AND COMMUNITY MENTAL HEALTH PROVIDERS; TO AUTHORIZE THE
11 DEPARTMENT TO PERMANENTLY WAIVE ANY ADDITIONAL REQUIREMENTS THAT
12 ARE NOT SUITABLE FOR THE ENVIRONMENT, STRUCTURE OR SERVICES
13 OFFERED BY SUCH PRIVATELY-OWNED MENTAL HEALTH PROVIDERS; AND FOR
14 RELATED PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 **SECTION 1.** Section 41-4-7, Mississippi Code of 1972, is
17 amended as follows:

18 41-4-7. The State Board of Mental Health shall have the
19 following powers and duties:

20 (a) To appoint, with the advice and consent of the
21 Senate, a full-time Executive Director of the Department of Mental
22 Health, who shall be employed by the board and shall serve as
23 executive secretary to the board. The executive director shall
24 serve for a term of four (4) years, consistent with the provisions



25 of Section 7-1-35, Mississippi Code of 1972. The first director
26 shall be a duly licensed physician with special interest and
27 competence in psychiatry, and shall possess a minimum of three (3)
28 years' experience in clinical and administrative psychiatry.

29 Subsequent directors shall possess at least a master's degree or
30 its equivalent, and shall possess at least ten (10) years'
31 administrative experience in the field of mental health. The
32 salary of the executive director shall be determined by the board;

33 (b) To appoint a Medical Director for the Department of
34 Mental Health. The medical director shall provide clinical
35 oversight in the implementation of evidence-based and best
36 practices; provide clinical leadership in the integration of
37 mental health, intellectual disability and addiction services with
38 community partners in the public and private sectors; and provide
39 oversight regarding standards of care. The medical director shall
40 serve at the will and pleasure of the board, and will undergo an
41 annual review of job performance and future service to the
42 department;

43 (c) To establish and implement its state strategic
44 plan;

45 (d) To develop a strategic plan for the development of
46 services for persons with mental illness, persons with
47 developmental disabilities and other clients of the public mental
48 health system. Such strategic planning program shall require that
49 the board, acting through the Strategic Planning and Best



50 Practices Committee, perform the following functions respecting
51 the delivery of services:

52 (i) Establish measures for determining the
53 efficiency and effectiveness of the services specified in Section
54 41-4-1(2);

55 (ii) Conducting studies of community-based care in
56 other jurisdictions to determine which services offered in these
57 jurisdictions have the potential to provide the citizens of
58 Mississippi with more effective and efficient community-based
59 care;

60 (iii) Evaluating the efficiency and effectiveness
61 of the services specified in Section 41-4-1(2);

62 (iv) Recommending to the Legislature by January 1,
63 2014, any necessary additions, deletions or other changes
64 necessary to the services specified in Section 41-4-1(2);

65 (v) Implementing by July 1, 2012, a system of
66 performance measures for the services specified in Section
67 41-4-1(2);

68 (vi) Recommending to the Legislature any changes
69 that the department believes are necessary to the current laws
70 addressing civil commitment;

71 (vii) Conducting any other activities necessary to
72 the evaluation and study of the services specified in Section
73 41-4-1(2);

(viii) Assisting in conducting all necessary strategic planning for the delivery of all other services of the department. Such planning shall be conducted so as to produce a single strategic plan for the services delivered by the public mental health system and shall establish appropriate mission statements, goals, objectives and performance indicators for all programs and services of the public mental health system. For services other than those specified in Section 41-4-1(2), the committee shall recommend to the State Board of Mental Health a strategic plan that the board may adopt or modify;

84 (e) To set up state plans for the purpose of
85 controlling and treating any and all forms of mental and emotional
86 illness, alcoholism, drug misuse and developmental disabilities;

87 (f) [Repealed]

88 (g) To enter into contracts with any other state or
89 federal agency, or with any private person, organization or group
90 capable of contracting, if it finds such action to be in the
91 public interest;

92 (h) To collect reasonable fees for its services;
93 however, if it is determined that a person receiving services is
94 unable to pay the total fee, the department shall collect no more
95 than the amount such person is able to pay;

96 (i) To certify, coordinate and establish minimum
97 standards and establish minimum required services, as specified in
98 Section 41-4-1(2), for regional mental health and intellectual



99 disability commissions and other community service providers for
100 community or regional programs and services in adult mental
101 health, children and youth mental health, intellectual
102 disabilities, alcoholism, drug misuse, developmental disabilities,
103 compulsive gambling, addictive disorders and related programs
104 throughout the state. Such regional mental health and
105 intellectual disability commissions and other community service
106 providers shall, on or before July 1 of each year, submit an
107 annual operational plan to the State Department of Mental Health
108 for approval or disapproval based on the minimum standards and
109 minimum required services established by the department for
110 certification and itemize the services specified in Section
111 41-4-1(2), including financial statements. As part of the annual
112 operation plan required by this paragraph (i) submitted by any
113 regional community mental health center or by any other reasonable
114 certification deemed acceptable by the department, the community
115 mental health center shall state those services specified in
116 Section 41-4-1(2) that it will provide and also those services
117 that it will not provide. If the department finds deficiencies in
118 the plan of any regional commission or community service provider
119 based on the minimum standards and minimum required services
120 established for certification, the department shall give the
121 regional commission or community service provider a six-month
122 probationary period to bring its standards and services up to the
123 established minimum standards and minimum required services. The



124 regional commission or community service provider shall develop a
125 sustainability business plan within thirty (30) days of being
126 placed on probation, which shall be signed by all commissioners
127 and shall include policies to address one or more of the
128 following: the deficiencies in programmatic services, clinical
129 service staff expectations, timely and appropriate billing,
130 processes to obtain credentialing for staff, monthly reporting
131 processes, third-party financial reporting and any other required
132 documentation as determined by the department. After the
133 six-month probationary period, if the department determines that
134 the regional commission or community service provider still does
135 not meet the minimum standards and minimum required services
136 established for certification, the department may remove the
137 certification of the commission or provider and from and after
138 July 1, 2011, the commission or provider shall be ineligible for
139 state funds from Medicaid reimbursement or other funding sources
140 for those services. However, the department shall not mandate a
141 standard or service, or decertify a regional commission or
142 community service provider for not meeting a standard or service,
143 if the standard or service does not have funding appropriated by
144 the Legislature or have a state, federal or local funding source
145 identified by the department. No county shall be required to levy
146 millage to provide a mandated standard or service above the
147 minimum rate required by Section 41-19-39. After the six-month
148 probationary period, the department may identify an appropriate



149 community service provider to provide any core services in that
150 county that are not provided by a community mental health center.
151 However, the department shall not offer reimbursement or other
152 accommodations to a community service provider of core services
153 that were not offered to the decertified community mental health
154 center for the same or similar services. The State Board of
155 Mental Health shall promulgate rules and regulations necessary to
156 implement the provisions of this paragraph (i), in accordance with
157 the Administrative Procedures Law (Section 25-43-1.101 et seq.);

158 (j) To establish and promulgate reasonable minimum
159 standards for the construction and operation of state and all
160 Department of Mental Health certified facilities, including
161 reasonable minimum standards for the admission, diagnosis, care,
162 treatment, transfer of patients and their records, and also
163 including reasonable minimum standards for providing day care,
164 outpatient care, emergency care, inpatient care and follow-up
165 care, when such care is provided for persons with mental or
166 emotional illness, an intellectual disability, alcoholism, drug
167 misuse and developmental disabilities;

168 (k) To implement best practices for all services
169 specified in Section 41-4-1(2), and to establish and implement all
170 other services delivered by the Department of Mental Health. To
171 carry out this responsibility, the board shall require the
172 department to establish a division responsible for developing best
173 practices based on a comprehensive analysis of the mental health



174 environment to determine what the best practices for each service
175 are. In developing best practices, the board shall consider the
176 cost and benefits associated with each practice with a goal of
177 implementing only those practices that are cost-effective
178 practices for service delivery. Such best practices shall be
179 utilized by the board in establishing performance standards and
180 evaluations of the community mental health centers' services
181 required by paragraph (d) of this section;

182 (l) To assist community or regional programs consistent
183 with the purposes of this chapter by making grants and contracts
184 from available funds;

185 (m) To establish and collect reasonable fees for
186 necessary inspection services incidental to certification or
187 compliance;

188 (n) To accept gifts, trusts, bequests, grants,
189 endowments or transfers of property of any kind;

190 (o) To receive monies coming to it by way of fees for
191 services or by appropriations;

192 (p) To serve as the single state agency in receiving
193 and administering any and all funds available from any source for
194 the purpose of service delivery, training, research and education
195 in regard to all forms of mental illness, intellectual
196 disabilities, alcoholism, drug misuse and developmental
197 disabilities, unless such funds are specifically designated to a



198 particular agency or institution by the federal government, the
199 Mississippi Legislature or any other grantor;

200 (q) To establish mental health holding centers for the
201 purpose of providing short-term emergency mental health treatment,
202 places for holding persons awaiting commitment proceedings or
203 awaiting placement in a state mental health facility following
204 commitment, and for diverting placement in a state mental health
205 facility. These mental health holding facilities shall be readily
206 accessible, available statewide, and be in compliance with
207 emergency services' minimum standards. They shall be
208 comprehensive and available to triage and make appropriate
209 clinical disposition, including the capability to access inpatient
210 services or less restrictive alternatives, as needed, as
211 determined by medical staff. Such facility shall have medical,
212 nursing and behavioral services available on a
213 twenty-four-hour-a-day basis. The board may provide for all or
214 part of the costs of establishing and operating the holding
215 centers in each district from such funds as may be appropriated to
216 the board for such use, and may participate in any plan or
217 agreement with any public or private entity under which the entity
218 will provide all or part of the costs of establishing and
219 operating a holding center in any district;

220 (r) To certify/license case managers, mental health
221 therapists, intellectual disability therapists, mental
222 health/intellectual disability program administrators, addiction



223 counselors and others as deemed appropriate by the board. Persons
224 already professionally licensed by another state board or agency
225 are not required to be certified/licensed under this section by
226 the Department of Mental Health. The department shall not use
227 professional titles in its certification/licensure process for
228 which there is an independent licensing procedure. Such
229 certification/licensure shall be valid only in the state mental
230 health system, in programs funded and/or certified by the
231 Department of Mental Health, and/or in programs certified/licensed
232 by the State Department of Health that are operated by the state
233 mental health system serving persons with mental illness, an
234 intellectual disability, a developmental disability or addictions,
235 and shall not be transferable;

236 (s) To develop formal mental health worker
237 qualifications for regional mental health and intellectual
238 disability commissions and other community service providers. The
239 State Personnel Board shall develop and promulgate a recommended
240 salary scale and career ladder for all regional mental
241 health/intellectual disability center therapists and case managers
242 who work directly with clients. The State Personnel Board shall
243 also develop and promulgate a career ladder for all direct care
244 workers employed by the State Department of Mental Health;

245 (t) The employees of the department shall be governed
246 by personnel merit system rules and regulations, the same as other
247 employees in state services;



248 (u) To establish such rules and regulations as may be
249 necessary in carrying out the provisions of this chapter,
250 including the establishment of a formal grievance procedure to
251 investigate and attempt to resolve consumer complaints;

252 (v) To grant easements for roads, utilities and any
253 other purpose it finds to be in the public interest;

254 (w) To survey statutory designations, building markers
255 and the names given to mental health/intellectual disability
256 facilities and proceedings in order to recommend deletion of
257 obsolete and offensive terminology relative to the mental
258 health/intellectual disability system. Based upon a
259 recommendation of the executive director, the board shall have the
260 authority to name/ rename any facility operated under the auspices
261 of the Department of Mental Health for the sole purpose of
262 deleting such terminology;

263 (x) To ensure an effective case management system
264 directed at persons who have been discharged from state and
265 private psychiatric hospitals to ensure their continued well-being
266 in the community;

267 (y) To develop formal service delivery standards
268 designed to measure the quality of services delivered to community
269 clients, as well as the timeliness of services to community
270 clients provided by regional mental health/intellectual disability
271 commissions and other community services providers;



272 (z) To establish regional state offices to provide
273 mental health crisis intervention centers and services available
274 throughout the state to be utilized on a case-by-case emergency
275 basis. The regional services director, other staff and delivery
276 systems shall meet the minimum standards of the Department of
277 Mental Health;

278 (aa) To require performance contracts with community
279 mental health/intellectual disability service providers to contain
280 performance indicators to measure successful outcomes, including
281 diversion of persons from inpatient psychiatric hospitals,
282 rapid/timely response to emergency cases, client satisfaction with
283 services and other relevant performance measures;

284 (bb) To enter into interagency agreements with other
285 state agencies, school districts and other local entities as
286 determined necessary by the department to ensure that local mental
287 health service entities are fulfilling their responsibilities to
288 the overall state plan for behavioral services;

289 (cc) To establish and maintain a toll-free grievance
290 reporting telephone system for the receipt and referral for
291 investigation of all complaints by clients of state and community
292 mental health/intellectual disability facilities;

293 (dd) To establish a peer review/quality assurance
294 evaluation system that assures that appropriate assessment,
295 diagnosis and treatment is provided according to established
296 professional criteria and guidelines;



297 (ee) To develop and implement state plans for the
298 purpose of assisting with the care and treatment of persons with
299 Alzheimer's disease and other dementia. This plan shall include
300 education and training of service providers, caregivers in the
301 home setting and others who deal with persons with Alzheimer's
302 disease and other dementia, and development of adult day care,
303 family respite care and counseling programs to assist families who
304 maintain persons with Alzheimer's disease and other dementia in
305 the home setting. No agency shall be required to provide any
306 services under this section until such time as sufficient funds
307 have been appropriated or otherwise made available by the
308 Legislature specifically for the purposes of the treatment of
309 persons with Alzheimer's and other dementia;

310 (ff) Working with the advice and consent of the
311 administration of Ellisville State School, to enter into
312 negotiations with the Economic Development Authority of Jones
313 County for the purpose of negotiating the possible exchange, lease
314 or sale of lands owned by Ellisville State School to the Economic
315 Development Authority of Jones County. It is the intent of the
316 Mississippi Legislature that such negotiations shall ensure that
317 the financial interest of the persons with an intellectual
318 disability served by Ellisville State School will be held
319 paramount in the course of these negotiations. The Legislature
320 also recognizes the importance of economic development to the
321 citizens of the State of Mississippi and Jones County, and



322 encourages fairness to the Economic Development Authority of Jones
323 County. Any negotiations proposed which would result in the
324 recommendation for exchange, lease or sale of lands owned by
325 Ellisville State School must have the approval of the State Board
326 of Mental Health. The State Board of Mental Health may and has
327 the final authority as to whether or not these negotiations result
328 in the exchange, lease or sale of the properties it currently
329 holds in trust for persons with an intellectual disability served
330 at Ellisville State School.

331 If the State Board of Mental Health authorizes the sale of
332 lands owned by Ellisville State School, as provided for under this
333 paragraph (ff), the monies derived from the sale shall be placed
334 into a special fund that is created in the State Treasury to be
335 known as the "Ellisville State School Client's Trust Fund." The
336 principal of the trust fund shall remain inviolate and shall never
337 be expended. Any interest earned on the principal may be expended
338 solely for the benefits of clients served at Ellisville State
339 School. The State Treasurer shall invest the monies of the trust
340 fund in any of the investments authorized for the Mississippi
341 Prepaid Affordable College Tuition Program under Section 37-155-9,
342 and those investments shall be subject to the limitations
343 prescribed by Section 37-155-9. Unexpended amounts remaining in
344 the trust fund at the end of a fiscal year shall not lapse into
345 the State General Fund, and any interest earned on amounts in the
346 trust fund shall be deposited to the credit of the trust fund.



347 The administration of Ellisville State School may use any interest
348 earned on the principal of the trust fund, upon appropriation by
349 the Legislature, as needed for services or facilities by the
350 clients of Ellisville State School. Ellisville State School shall
351 make known to the Legislature, through the Legislative Budget
352 Committee and the respective Appropriations Committees of the
353 House and Senate, its proposed use of interest earned on the
354 principal of the trust fund for any fiscal year in which it
355 proposes to make expenditures thereof. The State Treasurer shall
356 provide Ellisville State School with an annual report on the
357 Ellisville State School Client's Trust Fund to indicate the total
358 monies in the trust fund, interest earned during the year,
359 expenses paid from the trust fund and such other related
360 information.

361 Nothing in this section shall be construed as applying to or
362 affecting mental health/intellectual disability services provided
363 by hospitals as defined in Section 41-9-3(a), and/or their
364 subsidiaries and divisions, which hospitals, subsidiaries and
365 divisions are licensed and regulated by the Mississippi State
366 Department of Health unless such hospitals, subsidiaries or
367 divisions voluntarily request certification by the Mississippi
368 State Department of Mental Health.

369 All new programs authorized under this section shall be
370 subject to the availability of funds appropriated therefor by the
371 Legislature;

(gg) Working with the advice and consent of the administration of Boswell Regional Center, to enter into negotiations with the Economic Development Authority of Simpson County for the purpose of negotiating the possible exchange, lease or sale of lands owned by Boswell Regional Center to the Economic Development Authority of Simpson County. It is the intent of the Mississippi Legislature that such negotiations shall ensure that the financial interest of the persons with an intellectual disability served by Boswell Regional Center will be held paramount in the course of these negotiations. The Legislature also recognizes the importance of economic development to the citizens of the State of Mississippi and Simpson County, and encourages fairness to the Economic Development Authority of Simpson County. Any negotiations proposed which would result in the recommendation for exchange, lease or sale of lands owned by Boswell Regional Center must have the approval of the State Board of Mental Health. The State Board of Mental Health may and has the final authority as to whether or not these negotiations result in the exchange, lease or sale of the properties it currently holds in trust for persons with an intellectual disability served at Boswell Regional Center. In any such exchange, lease or sale of such lands owned by Boswell Regional Center, title to all minerals, oil and gas on such lands shall be reserved, together with the right of ingress and egress to remove same, whether such



396 provisions be included in the terms of any such exchange, lease or
397 sale or not.

398 If the State Board of Mental Health authorizes the sale of
399 lands owned by Boswell Regional Center, as provided for under this
400 paragraph (gg), the monies derived from the sale shall be placed
401 into a special fund that is created in the State Treasury to be
402 known as the "Boswell Regional Center Client's Trust Fund." The
403 principal of the trust fund shall remain inviolate and shall never
404 be expended. Any earnings on the principal may be expended solely
405 for the benefits of clients served at Boswell Regional Center.
406 The State Treasurer shall invest the monies of the trust fund in
407 any of the investments authorized for the Mississippi Prepaid
408 Affordable College Tuition Program under Section 37-155-9, and
409 those investments shall be subject to the limitations prescribed
410 by Section 37-155-9. Unexpended amounts remaining in the trust
411 fund at the end of a fiscal year shall not lapse into the State
412 General Fund, and any earnings on amounts in the trust fund shall
413 be deposited to the credit of the trust fund. The administration
414 of Boswell Regional Center may use any earnings on the principal
415 of the trust fund, upon appropriation by the Legislature, as
416 needed for services or facilities by the clients of Boswell
417 Regional Center. Boswell Regional Center shall make known to the
418 Legislature, through the Legislative Budget Committee and the
419 respective Appropriations Committees of the House and Senate, its
420 proposed use of the earnings on the principal of the trust fund



421 for any fiscal year in which it proposes to make expenditures
422 thereof. The State Treasurer shall provide Boswell Regional
423 Center with an annual report on the Boswell Regional Center
424 Client's Trust Fund to indicate the total monies in the trust
425 fund, interest and other income earned during the year, expenses
426 paid from the trust fund and such other related information.

427 Nothing in this section shall be construed as applying to or
428 affecting mental health/intellectual disability services provided
429 by hospitals as defined in Section 41-9-3(a), and/or their
430 subsidiaries and divisions, which hospitals, subsidiaries and
431 divisions are licensed and regulated by the Mississippi State
432 Department of Health unless such hospitals, subsidiaries or
433 divisions voluntarily request certification by the Mississippi
434 State Department of Mental Health.

435 All new programs authorized under this section shall be
436 subject to the availability of funds appropriated therefor by the
437 Legislature;

438 (hh) Notwithstanding any other section of the code, the
439 Board of Mental Health shall be authorized to fingerprint and
440 perform a criminal history record check on every employee or
441 volunteer. Every employee and volunteer shall provide a valid
442 current social security number and/or driver's license number
443 which shall be furnished to conduct the criminal history record
444 check. If no disqualifying record is identified at the state

445 level, fingerprints shall be forwarded to the Federal Bureau of
446 Investigation for a national criminal history record check;
447 (ii) The Department of Mental Health shall have the
448 authority for the development of a consumer friendly single point
449 of intake and referral system within its service areas for persons
450 with mental illness, an intellectual disability, developmental
451 disabilities or alcohol or substance abuse who need assistance
452 identifying or accessing appropriate services. The department
453 will develop and implement a comprehensive evaluation procedure
454 ensuring that, where appropriate, the affected person or their
455 parent or legal guardian will be involved in the assessment and
456 planning process. The department, as the point of intake and as
457 service provider, shall have the authority to determine the
458 appropriate institutional, hospital or community care setting for
459 persons who have been diagnosed with mental illness, an
460 intellectual disability, developmental disabilities and/or alcohol
461 or substance abuse, and may provide for the least restrictive
462 placement if the treating professional believes such a setting is
463 appropriate, if the person affected or their parent or legal
464 guardian wants such services, and if the department can do so with
465 a reasonable modification of the program without creating a
466 fundamental alteration of the program. The least restrictive
467 setting could be an institution, hospital or community setting,
468 based upon the needs of the affected person or their parent or
469 legal guardian;



470 (jj) To have the sole power and discretion to enter
471 into, sign, execute and deliver long-term or multiyear leases of
472 real and personal property owned by the Department of Mental
473 Health to and from other state and federal agencies and private
474 entities deemed to be in the public's best interest. Any monies
475 derived from such leases shall be deposited into the funds of the
476 Department of Mental Health for its exclusive use. Leases to
477 private entities shall be approved by the Department of Finance
478 and Administration and all leases shall be filed with the
479 Secretary of State;

480 (kk) To certify and establish minimum standards and
481 minimum required services for county facilities used for housing,
482 feeding and providing medical treatment for any person who has
483 been involuntarily ordered admitted to a treatment center by a
484 court of competent jurisdiction. The minimum standard for the
485 initial assessment of those persons being housed in county
486 facilities is for the assessment to be performed by a physician,
487 preferably a psychiatrist, or by a nurse practitioner, preferably
488 a psychiatric nurse practitioner. If the department finds
489 deficiencies in any such county facility or its provider based on
490 the minimum standards and minimum required services established
491 for certification, the department shall give the county or its
492 provider a six-month probationary period to bring its standards
493 and services up to the established minimum standards and minimum
494 required services. After the six-month probationary period, if



495 the department determines that the county or its provider still
496 does not meet the minimum standards and minimum required services,
497 the department may remove the certification of the county or
498 provider and require the county to contract with another county
499 having a certified facility to hold those persons for that period
500 of time pending transportation and admission to a state treatment
501 facility. Any cost incurred by a county receiving an
502 involuntarily committed person from a county with a decertified
503 holding facility shall be reimbursed by the home county to the
504 receiving county; and

505 (11) To provide orientation training to all new
506 commissioners of regional commissions and annual training for all
507 commissioners with continuing education regarding the Mississippi
508 mental health system and services as developed by the State
509 Department of Mental Health. Training shall be provided at the
510 expense of the department except for travel expenses which shall
511 be paid by the regional commission.

512 (mm) Effective July 1, 2025, to certify, coordinate and
513 establish minimum standards and establish minimum required
514 services, as specified in Section 41-4-1(2), for the certification
515 of privately-owned mental health providers who are not a part of
516 the state-operated mental health community providers and do not
517 receive funding from state mental health funds provided by the
518 Department of Mental Health. The additional certification
519 classification shall be required to meet minimum standards for



520 services and safety as those promulgated for regional and
521 community mental health providers. However, privately-owned
522 mental health providers so certified shall be exempt from the
523 requirement to provide financial data and protected health
524 information pertaining to the individuals receiving services at
525 the privately-owned mental health providers. In addition, the
526 Department of Mental Health may permanently waive any additional
527 requirements that are specifically suitable for the regional and
528 community mental health providers but not suitable for the
529 environment, structure or services offered by such privately-owned
530 mental health providers.

531 **SECTION 2.** This act shall take effect and be in force from
532 and after July 1, 2025.

