

By: Representative Hines

To: Public Health and Human Services

HOUSE BILL NO. 1526

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 a full-time Executive Director of the
 21 Department of Mental Health, who shall be employed by the board
 22 and shall serve as executive secretary to the board. The first
 23 director shall be a duly licensed physician with special interest
 24 and competence in psychiatry, and shall possess a minimum of three



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

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

40 (c) To establish and implement its state strategic
41 plan;

42 (d) To develop a strategic plan for the development of
43 services for persons with mental illness, persons with
44 developmental disabilities and other clients of the public mental
45 health system. Such strategic planning program shall require that
46 the board, acting through the Strategic Planning and Best
47 Practices Committee, perform the following functions respecting
48 the delivery of services:



49 (i) Establish measures for determining the
50 efficiency and effectiveness of the services specified in Section
51 41-4-1(2);

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

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

59 (iv) Recommending to the Legislature by January 1,
60 2014, any necessary additions, deletions or other changes
61 necessary to the services specified in Section 41-4-1(2);

62 (v) Implementing by July 1, 2012, a system of
63 performance measures for the services specified in Section
64 41-4-1(2);

65 (vi) Recommending to the Legislature any changes
66 that the department believes are necessary to the current laws
67 addressing civil commitment;

68 (vii) Conducting any other activities necessary to
69 the evaluation and study of the services specified in Section
70 41-4-1(2);

71 (viii) Assisting in conducting all necessary
72 strategic planning for the delivery of all other services of the
73 department. Such planning shall be conducted so as to produce a



74 single strategic plan for the services delivered by the public
75 mental health system and shall establish appropriate mission
76 statements, goals, objectives and performance indicators for all
77 programs and services of the public mental health system. For
78 services other than those specified in Section 41-4-1(2), the
79 committee shall recommend to the State Board of Mental Health a
80 strategic plan that the board may adopt or modify;

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

84 (f) [Repealed]

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

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

93 (i) To certify, coordinate and establish minimum
94 standards and establish minimum required services, as specified in
95 Section 41-4-1(2), for regional mental health and intellectual
96 disability commissions and other community service providers for
97 community or regional programs and services in adult mental
98 health, children and youth mental health, intellectual



99 disabilities, alcoholism, drug misuse, developmental disabilities,
100 compulsive gambling, addictive disorders and related programs
101 throughout the state. Such regional mental health and
102 intellectual disability commissions and other community service
103 providers shall, on or before July 1 of each year, submit an
104 annual operational plan to the State Department of Mental Health
105 for approval or disapproval based on the minimum standards and
106 minimum required services established by the department for
107 certification and itemize the services specified in Section
108 41-4-1(2), including financial statements. As part of the annual
109 operation plan required by this paragraph (i) submitted by any
110 regional community mental health center or by any other reasonable
111 certification deemed acceptable by the department, the community
112 mental health center shall state those services specified in
113 Section 41-4-1(2) that it will provide and also those services
114 that it will not provide. If the department finds deficiencies in
115 the plan of any regional commission or community service provider
116 based on the minimum standards and minimum required services
117 established for certification, the department shall give the
118 regional commission or community service provider a six-month
119 probationary period to bring its standards and services up to the
120 established minimum standards and minimum required services. The
121 regional commission or community service provider shall develop a
122 sustainability business plan within thirty (30) days of being
123 placed on probation, which shall be signed by all commissioners



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



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

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

165 (k) To implement best practices for all services
166 specified in Section 41-4-1(2), and to establish and implement all
167 other services delivered by the Department of Mental Health. To
168 carry out this responsibility, the board shall require the
169 department to establish a division responsible for developing best
170 practices based on a comprehensive analysis of the mental health
171 environment to determine what the best practices for each service
172 are. In developing best practices, the board shall consider the
173 cost and benefits associated with each practice with a goal of



174 implementing only those practices that are cost-effective
175 practices for service delivery. Such best practices shall be
176 utilized by the board in establishing performance standards and
177 evaluations of the community mental health centers' services
178 required by paragraph (d) of this section;

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

182 (m) To establish and collect reasonable fees for
183 necessary inspection services incidental to certification or
184 compliance;

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

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

189 (p) To serve as the single state agency in receiving
190 and administering any and all funds available from any source for
191 the purpose of service delivery, training, research and education
192 in regard to all forms of mental illness, intellectual
193 disabilities, alcoholism, drug misuse and developmental
194 disabilities, unless such funds are specifically designated to a
195 particular agency or institution by the federal government, the
196 Mississippi Legislature or any other grantor;

197 (q) To establish mental health holding centers for the
198 purpose of providing short-term emergency mental health treatment,



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

217 (r) To certify/license case managers, mental health
218 therapists, intellectual disability therapists, mental
219 health/intellectual disability program administrators, addiction
220 counselors and others as deemed appropriate by the board. Persons
221 already professionally licensed by another state board or agency
222 are not required to be certified/licensed under this section by
223 the Department of Mental Health. The department shall not use



224 professional titles in its certification/licensure process for
225 which there is an independent licensing procedure. Such
226 certification/licensure shall be valid only in the state mental
227 health system, in programs funded and/or certified by the
228 Department of Mental Health, and/or in programs certified/licensed
229 by the State Department of Health that are operated by the state
230 mental health system serving persons with mental illness, an
231 intellectual disability, a developmental disability or addictions,
232 and shall not be transferable;

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

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

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



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

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

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

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

269 (z) To establish regional state offices to provide
270 mental health crisis intervention centers and services available
271 throughout the state to be utilized on a case-by-case emergency
272 basis. The regional services director, other staff and delivery



273 systems shall meet the minimum standards of the Department of
274 Mental Health;

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

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

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

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

294 (ee) To develop and implement state plans for the
295 purpose of assisting with the care and treatment of persons with
296 Alzheimer's disease and other dementia. This plan shall include
297 education and training of service providers, caregivers in the



298 home setting and others who deal with persons with Alzheimer's
299 disease and other dementia, and development of adult day care,
300 family respite care and counseling programs to assist families who
301 maintain persons with Alzheimer's disease and other dementia in
302 the home setting. No agency shall be required to provide any
303 services under this section until such time as sufficient funds
304 have been appropriated or otherwise made available by the
305 Legislature specifically for the purposes of the treatment of
306 persons with Alzheimer's and other dementia;

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



323 of Mental Health. The State Board of Mental Health may and has
324 the final authority as to whether or not these negotiations result
325 in the exchange, lease or sale of the properties it currently
326 holds in trust for persons with an intellectual disability served
327 at Ellisville State School.

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



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

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

366 All new programs authorized under this section shall be
367 subject to the availability of funds appropriated therefor by the
368 Legislature;

369 (gg) Working with the advice and consent of the
370 administration of Boswell Regional Center, to enter into
371 negotiations with the Economic Development Authority of Simpson
372 County for the purpose of negotiating the possible exchange, lease



373 or sale of lands owned by Boswell Regional Center to the Economic
374 Development Authority of Simpson County. It is the intent of the
375 Mississippi Legislature that such negotiations shall ensure that
376 the financial interest of the persons with an intellectual
377 disability served by Boswell Regional Center will be held
378 paramount in the course of these negotiations. The Legislature
379 also recognizes the importance of economic development to the
380 citizens of the State of Mississippi and Simpson County, and
381 encourages fairness to the Economic Development Authority of
382 Simpson County. Any negotiations proposed which would result in
383 the recommendation for exchange, lease or sale of lands owned by
384 Boswell Regional Center must have the approval of the State Board
385 of Mental Health. The State Board of Mental Health may and has
386 the final authority as to whether or not these negotiations result
387 in the exchange, lease or sale of the properties it currently
388 holds in trust for persons with an intellectual disability served
389 at Boswell Regional Center. In any such exchange, lease or sale
390 of such lands owned by Boswell Regional Center, title to all
391 minerals, oil and gas on such lands shall be reserved, together
392 with the right of ingress and egress to remove same, whether such
393 provisions be included in the terms of any such exchange, lease or
394 sale or not.

395 If the State Board of Mental Health authorizes the sale of
396 lands owned by Boswell Regional Center, as provided for under this
397 paragraph (gg), the monies derived from the sale shall be placed



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



422 fund, interest and other income earned during the year, expenses
423 paid from the trust fund and such other related information.

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

432 All new programs authorized under this section shall be
433 subject to the availability of funds appropriated therefor by the
434 Legislature;

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

444 (ii) The Department of Mental Health shall have the
445 authority for the development of a consumer friendly single point
446 of intake and referral system within its service areas for persons



447 with mental illness, an intellectual disability, developmental
448 disabilities or alcohol or substance abuse who need assistance
449 identifying or accessing appropriate services. The department
450 will develop and implement a comprehensive evaluation procedure
451 ensuring that, where appropriate, the affected person or their
452 parent or legal guardian will be involved in the assessment and
453 planning process. The department, as the point of intake and as
454 service provider, shall have the authority to determine the
455 appropriate institutional, hospital or community care setting for
456 persons who have been diagnosed with mental illness, an
457 intellectual disability, developmental disabilities and/or alcohol
458 or substance abuse, and may provide for the least restrictive
459 placement if the treating professional believes such a setting is
460 appropriate, if the person affected or their parent or legal
461 guardian wants such services, and if the department can do so with
462 a reasonable modification of the program without creating a
463 fundamental alteration of the program. The least restrictive
464 setting could be an institution, hospital or community setting,
465 based upon the needs of the affected person or their parent or
466 legal guardian;

467 (jj) To have the sole power and discretion to enter
468 into, sign, execute and deliver long-term or multiyear leases of
469 real and personal property owned by the Department of Mental
470 Health to and from other state and federal agencies and private
471 entities deemed to be in the public's best interest. Any monies



472 derived from such leases shall be deposited into the funds of the
473 Department of Mental Health for its exclusive use. Leases to
474 private entities shall be approved by the Department of Finance
475 and Administration and all leases shall be filed with the
476 Secretary of State;

477 (kk) To certify and establish minimum standards and
478 minimum required services for county facilities used for housing,
479 feeding and providing medical treatment for any person who has
480 been involuntarily ordered admitted to a treatment center by a
481 court of competent jurisdiction. The minimum standard for the
482 initial assessment of those persons being housed in county
483 facilities is for the assessment to be performed by a physician,
484 preferably a psychiatrist, or by a nurse practitioner, preferably
485 a psychiatric nurse practitioner. If the department finds
486 deficiencies in any such county facility or its provider based on
487 the minimum standards and minimum required services established
488 for certification, the department shall give the county or its
489 provider a six-month probationary period to bring its standards
490 and services up to the established minimum standards and minimum
491 required services. After the six-month probationary period, if
492 the department determines that the county or its provider still
493 does not meet the minimum standards and minimum required services,
494 the department may remove the certification of the county or
495 provider and require the county to contract with another county
496 having a certified facility to hold those persons for that period



497 of time pending transportation and admission to a state treatment
498 facility. Any cost incurred by a county receiving an
499 involuntarily committed person from a county with a decertified
500 holding facility shall be reimbursed by the home county to the
501 receiving county; and

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

509 (mm) Effective July 1, 2024, to certify, coordinate and
510 establish minimum standards and establish minimum required
511 services, as specified in Section 41-4-1(2), for the certification
512 of privately-owned mental health providers who are not a part of
513 the state-operated mental health community providers and do not
514 receive funding from state mental health funds provided by the
515 Department of Mental Health. The additional certification
516 classification shall be required to meet minimum standards for
517 services and safety as those promulgated for regional and
518 community mental health providers. However, privately-owned
519 mental health providers so certified shall be exempt from the
520 requirement to provide financial data and protected health
521 information pertaining to the individuals receiving services at



522 the privately-owned mental health providers. In addition, the
523 Department of Mental Health may permanently waive any additional
524 requirements that are specifically suitable for the regional and
525 community mental health providers but not suitable for the
526 environment, structure or services offered by such privately-owned
527 mental health providers.

528 **SECTION 2.** This act shall take effect and be in force from
529 and after July 1, 2024.

