

Agenda Report

TO: CITY COUNCIL

DATE: October 11, 2004

THROUGH: LEGISLATIVE COMMITTEE (10/05/2004)

FROM: CITY MANAGER

SUBJECT: SUPPORT FOR PROPOSITION 63 - THE MENTAL HEALTH SERVICES ACT

RECOMMENDATION

It is recommended that the City Council:

1. Support Proposition 63, Mental Health Services Expansion and Funding, Tax on Personal Incomes above \$1 Million, Initiative Statute known as the Mental Health Services Act; and,
2. Authorize the Mayor to send correspondence to the appropriate officials supporting the Proposition.

BACKGROUND

Proposition 63, the "Mental Health Services Act," will appear on the November 2004 ballot. If passed, Proposition 63 would place a one percent Personal Income Tax (PIT) surcharge on individuals' taxable income over \$1 million to provide dedicated funding for new and expanded mental health services for children, adults and seniors. The funds would be used to: (1) provide services for children, adults and seniors with severe mental illness; (2) develop innovative programs to increase access for underserved groups, promote interagency collaboration and increase the quality of services; (3) provide prevention and early intervention programs to prevent mental illness from becoming severe and disabling; (4) offer education and training to improve the skill and proficiency of the mental health workforce; and (5) create capital facilities and technology needed to provide mental health services.

An estimated 20 percent of the population, or one in five Californians, will experience a diagnosable serious mental illness sometime in their lifetime. State statistics indicate that more than 1.3 million children and adults in California suffer from severe mental illness or emotional disturbance and many cannot get

the treatment they need. As a result, children fail in school and are functionally impaired. Adults end up disabled, on the streets or in jail and many attempt or accomplish suicide. Untreated mental illness costs California businesses nearly \$7.9 billion annually in worker absenteeism and reduced productivity. Although California law requires counties to provide mental health services to individuals with severe mental illness, county mental health programs are only required to provide services to the extent that resources are available. Proposition 63, however, will ensure that resources are dedicated to preventing and treating the effects of mental illness for children and adults alike.

The failure of the current mental health system has a direct impact on local law enforcement. As a result of the meltdown of the state mental health system and the failure to provide corresponding local resources as originally proposed, local police officers have become the resource of necessity in dealing with the mentally ill. It is estimated that twenty percent of a police officer's time is spent dealing with mentally ill individuals, and the police frequently function as social workers equipped with little more than a weapon and a loud voice. A staggering percentage of mentally ill individuals are homeless – some estimate as high as 70 percent. Every encounter between the police and the mentally ill usually costs the local jurisdiction hundreds of thousands of dollars. Data from the Department of Corrections and the Department of Mental Health finds that the state spends an estimated \$1.5 billion on criminal justice and law enforcement dealing with people with mental illness. The passage of Proposition 63 will not only lessen the amount of officers' time dedicated to addressing the mentally ill, but also decrease the amount of law enforcement dollars expended to address this issue.

The potential public health and public safety impacts of Proposition 63 are tremendous. If passed, the initiative would fund comprehensive community mental health programs that are proven to work, help individuals and families without insurance or with limited coverage to obtain needed services, increase access to services for the underserved and promote improved collaboration and cooperation among agencies and providers. Proposition 63 is composed to establish a system that will be able to evolve as does the changing field of mental health. This model approach demonstrates reduced hospitalizations by 66 percent and reduced incarcerations by 81 percent.

Under Proposition 63, an estimated 25,000 to 30,000 taxpayers would be subject to the PIT surcharge beginning January 1, 2005. The surcharge would generate new state revenues of approximately \$275 million in fiscal year 2005, \$750 million in 2006, \$800 million in 2007 and likely increasing revenues annually thereafter. The revenues would be deposited into a new Mental Health Service Fund and could not be used to supplant existing funds or be used for any purpose other than those described in the Mental Health Services Act. Funds would be allocated through contracts to counties responsible for overseeing

create a Mental Health Services Oversight and Accountability Commission to oversee the implementation of the above services and programs and to ensure that funds are properly spent. The measure specifies the portion of funds to be devoted to particular activities. Provisions expanding services for adults could result in the receipt of additional federal funds for community mental health services under the Medi-Cal Program.

Proposition 63 is supported by physicians, nurses, mental health providers, law enforcement, and public health organizations and practitioners. Opposition includes an array of anti-tax groups, such as the Howard Jarvis Taxpayers Association and Americans for Tax Reform.

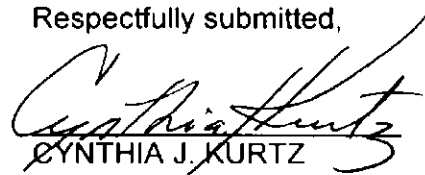
LOCAL IMPACT

Though Proposition 63 is a statewide initiative that will be implemented through the county system, new resources generated through the proposition will improve our ability at the local level to provide for and treat the mentally ill. Passage of Proposition 63 will improve the capacity and proficiency of the local provider network, strengthen the economic base for enhanced service provision and further our resolve as a community to care for and support those suffering from mental illness. In addition, the Pasadena Police Department should realize cost savings from a reduced number of interactions with the severely mentally ill population.

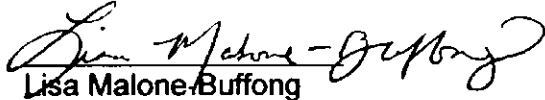
FISCAL IMPACT

If passed, this ballot measure would generate new state revenues estimated to exceed \$750 million annually to be dedicated to creating new and expanding existing mental health services. It would also potentially generate additional Federal revenues from the Medi-Cal Program. The funds would be disbursed to counties for delivery of mental health services in their jurisdictions and used to cover state and county administrative costs. It is estimated that state and local agencies will incur statewide savings of potentially hundreds of millions of dollars annually from reduced costs for state prison and local jail and juvenile justice operations, medical care and hospitalizations, homeless shelters, and social services programs.


Respectfully submitted,


CYNTHIA J. KURTZ
City Manager

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Public Health Prevention Specialist

Approved by:


for Wilma J. Allen
Director of Public Health

YES 63

Campaign for
Mental Health

**Attorney General's
Summary**

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

MENTAL HEALTH SERVICES EXPANSION AND FUNDING. TAX ON INCOMES OVER \$1 MILLION. INITIATIVE STATUTE. Provides funds to counties to expand services and develop innovative programs and integrated service plans for mentally ill children, adults and seniors. Requires state to develop mental health service programs including prevention, early intervention, education and training programs. Creates new commission to approve certain county programs and expenditures. Imposes additional 1% tax on taxable income over \$1 million to provide dedicated funding for expansion of mental health services and programs. Current funding for mental health programs may not be reduced because of funding from new tax. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Additional revenues of approximately \$250 million in 2004-05, \$680 million in 2005-06, \$700 million in 2006-07, and increasing amounts annually thereafter, with comparable increases in expenditures by the state and counties for the expansion of mental health programs. Unknown savings to the state and local agencies potentially amounting to hundreds of millions of dollars annually on a statewide basis from reduced costs for state prison and county jail operations, medical care, homeless shelters, and social services programs that would partly offset the additional cost of this measure.

**Frequently Asked
Questions**

1. What would the Mental Health Services Act initiative do?

The Mental Health Services Act will expand mental health care programs for children and adults. The measure provides services to persons currently disabled by mental illness, persons showing signs of mental illness in need of prevention services, and to families and caregivers of those affected.

2. What kinds of services are offered?

The Mental Health Services Act will provide much more than mental health counseling and care. The measure uses the "integrated services" model to provide a range of services, an approach proven through programs created under AB 34, enacted by the Legislature in 1999. Services include outreach, medical care, short and long-term housing, prescription drugs, vocational training, and self-help and social rehabilitation.

3. How much money would the initiative raise for mental health care in California?

The initiative will directly raise approximately \$700 million dollars per year for mental health services in California. Because of the initiative, California would also qualify for additional federal funds, raising the annual total to more than \$1 billion.

4. Does the initiative only help the poor and uninsured?

The Mental Health Services Act offers services to persons and families without insurance, or for whom insurance coverage of mental health care has been exhausted. Family payment obligations would be on a sliding fee schedule based on ability to pay.

5. How will the initiative help children facing mental illness?

The Mental Health Services Act creates children's services targeted to those not covered by existing programs, particularly those with untreated mental disorders placing them at risk of severe mental illness, removal from home, suicide or violent behavior.

Additionally, the Mental Health Services Act assures that parents will not be required to relinquish custody of a child in order to make the child eligible for medically necessary mental health care services.

6. Where will the money come from to pay for these new programs?

The Mental Health Services Act pays for expanded programs through a surcharge on income above \$1 million per year. The new 1% surcharge applies to each dollar earned over \$1 million. The surcharge would raise approximately \$600 million per year. The program phases in over a three-year period. Some costs for facilities and education and training of new personnel are included in the initiative's funding.

7. Who will ensure that the money is spent properly?

The measure creates a new Citizens Oversight and Accountability Commission to annually review each county's expenditure plan and ensure that all expenditures are in accord with the voters' wishes. In addition, the initiative only authorizes services in accordance with the Children's and Adults' Systems of Care. These systems require each county's expenditures for each person to be approved by the State Department of Mental Health. All expenditures are audited by state and local agencies and all service providers are subject to local oversight and state licensing.

8. Are there any benefits from this program for average California taxpayers?

The Mental Health Services Act generates hundreds of millions of dollars in savings. Experience with AB 34 programs shows that, by treating mental illness earlier and more effectively, savings are generated in reduced hospital costs, jail costs, and medical and welfare costs.

9. How will the money from Prop 63 be distributed?

Counties will receive funds to deliver services under Proposition 63 to the extent that they demonstrate that they have significant unmet needs and establish that they have the resources and capability to deliver services that meet the standards under the nationally recognized integrated services model for adults and seniors and the children's system of care. Similar requirements will be established by the Oversight and Accountability Commission, which must approve expenditures for prevention and early intervention programs and/or for innovative programs.

Under the law, many counties contract with private, mostly nonprofit mental health agencies to deliver services. Counties and these agencies will be required to establish positive outcomes to clients as a result of the services delivered as a condition of receiving funds in future years.

10. How will Prop 63 funding be distributed to counties?

There are **six ways** that counties receive funds.

1. Most of the funding will be allocated for services to children, adults and seniors who have severe mental illnesses and who need services not covered by other funds. These funds will not be allocated according to a formula.

The main criteria for the award of these funds is that each year counties are required to update a three year plan. That plan must document the unmet needs, the costs of meeting those needs, the capacity in staff and facilities, and the success the county has had with previous' years funds based upon performance outcome reports.

In addition, the county plans can include requests for funds for human resources, capital and technological facilities, and reserves for financial uncertainties in order to ensure that a county will be able to continue serving people it enrolls who are likely to need services for several years. Up to 20% of the funds allocated by the state each year can include funds for any combination of these purposes.

All of these factors and requests will be evaluated annually by the state department of mental health, which will make allocations, after the requests have been subjected to hearings and review and comment both locally and by the State Oversight and Accountability Commission

2. 20% of the funds will be allocated according to a formula for prevention and early intervention programs.
3. \$300 million in funds over the first three years will be allocated by formula for capital facilities and technological needs.
4. \$300 million in funds over the first three years are to be allocated by the state for human resources programs based upon the unmet needs developed in county plans but these funds will not necessarily be allocated directly to counties and instead may go directly to educational organizations or to individuals to support their education.
5. 5% of what each county receives from all of these sources must be used for Innovative Programs in order to improve access to underserved populations, improve the quality of services including better outcomes, promote interagency collaboration and overall increase access to services.
6. The state may also allocate up to 5% to counties for planning and administration.

11. Should I believe the opposition's statement that Prop. 63 is a "flawed attempt" to improve and expand mental health services?

Our present system is one of "silos" of services. Different programs that provide services all have different eligibility criteria, which has resulted in a system of services that is fractured, that is very difficult to navigate, and that leaves clients without services in many situations.

Prop 63 requires counties to restructure services based on the integrated services approach of the AB 34 (Steinberg) programs. It will provide funding only for that program (and a similar program for children) which has specific standards and measures that demonstrate how it has reduced hospitalizations by 66% and incarcerations by 81%. Both that program and the children's system of care have been recognized as national models by a recent Presidential Commission. What is flawed is the opposition's argument, which ignores these improvements in mental healthcare and tries to scare people into believing the funding will go to outdated approaches, which leading mental health policymakers have already rejected.

12. Will Prop. 63 fund a static system of delivery of mental health services, or will the services funded by Prop. 63 be able to change and improve as new best practices are established and new research breakthroughs achieved?

Prop. 63 was developed and composed to establish a system that will be able to change and grow because mental health is a changing field, with new "best practices" being established on an ongoing basis, and research breakthroughs occurring every day. Under Prop. 63, counties will conduct a public review and hearing process to develop an updated three year plan every year. Programs will be funded under one of the categories under Prop. 63 to the extent that they establish that they are able to provide services that are effective and successful and lead to positive outcomes for the clients. Prop. 63 will fund innovative programs, prevention and early intervention programs, services for adults and for children, capital facilities, and human resources development. Outcomes for each program will be evaluated, and only those programs that work the best will continue to be funded with Prop. 63 money and counties will be required to change their approach to respond to new evidence of best practices and better outcomes.

Campaign Mental .org

Campaign for Mental Health Programs, Families and Communities, and Other Supporters of Increased Mental Health Services Funding

Darrell Steinberg, Chair

WHAT THE INITIATIVE DOES FOR CHILDREN'S MENTAL HEALTH SERVICES

The Mental Health Services Act provides several distinct improvements to funding and care for children with mental health challenges. These include:

1. Provides funding (estimated \$150 to \$300 million) to ensure that children who suffer from a severe mental illness (SMI) or serious emotional disturbance (SED) have access to the full array of services that they would have if they were enrolled in Medi-Cal. This overcomes the limitations or unavailability of any form of insurance. This funding also assures access to mental health services for a SMI/SED child without a parent giving up custody of a child, to the same extent that such services would be available if a parent gave up custody of the child.
2. Protects all existing entitlements to care, including the full state funding with no cap or limitation on total dollar amounts under the EPSDT (Early and Periodic Screening Diagnosis and Treatment) program, which ensures comprehensive services to children whose families are enrolled in Medi-cal and to children whose mental health needs require them to be placed in special education (the so-called AB 3632 program). These entitlements currently provide over \$1 billion in services, and would be at risk of significant cuts without the initiative.
3. Establishes a new prevention and early intervention program that will ensure that most children have access to mental health care early in the onset of a potentially severe mental illness. Under current, limited programs, a child has to reach a crisis level – an out-of-home placement, out-of-classroom placement, trouble with the law or entering a hospital – before their mental health problem will receive any attention. This program will receive at least 20% of the funding (\$130 million), and more if it reduces other costs.

These three components above are specifically for children. Other provisions of the Mental Health Services Act also benefit children:

1. The initiative earmarks at least \$300 million over the first three years, and additional funds thereafter, to deal with the shortage of mental health professionals, including the most chronic shortage – that of child psychiatrists.
2. It includes \$300 million in the first three years, and more in future years, for the construction of capital facilities to ensure that people receive treatment in the most appropriate setting and are not placed inappropriately due to the unavailability of an appropriate type of service facility.
3. 5% of the funds, or at least \$30 million, is allocated for each county to develop innovative programs designed to provide better linkage between services, improve outcomes, and meet the needs of underserved populations.

Overall, the amount of funds provided for each program will be based on each county's level of *demonstrated need and capacity to provide services*.



FIGHT CRIME: INVEST IN KIDS California

Proposition 63: Correcting California's Failure to Meet Youth Mental Health Needs Will Prevent Crime

"Twenty percent of a police officer's time is spent dealing with people with mental illnesses. I've visited several juvenile facilities where over one-third of young people have mental illness. The only time they get treatment is when they're incarcerated....The chiefs are thinking differently these days, and we think criminalizing mental illness is ridiculous." --Chief Cam Sanchez, President of the California Police Chiefs Association

Californians will vote on the Mental Health Services Act (Proposition 63) this November. Proposition 63 will raise \$700 million dollars per year in new state dollars for mental health services and, as a result, California will also qualify for additional federal funds, raising the annual total to more than \$1 billion in new mental health funds for the mentally ill. The revenue source for the initiative is a 1 percent increase in the personal income tax rate on taxable income over \$1 million. Along with FIGHT CRIME: INVEST IN KIDS California, several law enforcement groups and individuals have endorsed Proposition 63, including The California Police Chiefs Association and the Peace Officers Research Association of California.

Too Many Youth in California Have Untreated Mental Health Problems

California's Failure to Treat the Mentally Ill is Everybody's Problem:

- As many as three million kids, or 20 percent of California's youth, will experience a mental health disorder this year (Little Hoover Commission).
- And right now, estimates demonstrate that 300,000 youth with a severe emotional disturbance are not receiving the treatment they need. **In Los Angeles County, more than 67,000 kids have untreated severe mental health problems.** (California Mental Health Planning Council).

The need is greatest among court involved youth:

- 97% of youth in the California Youth Authority have a mental health problem. (Stanford University).
- 42 percent of the youth in juvenile detention centers have a mental health issue serious enough to require treatment or attention. (National Center on Crime and Delinquency).
- 70% of all foster care children in California will have a mental health problem. (The Little Hoover Commission).

Treating Youth Mental Health Needs Will Prevent Crime and Save Money

Treating Mentally Ill Youth Means Less Crime

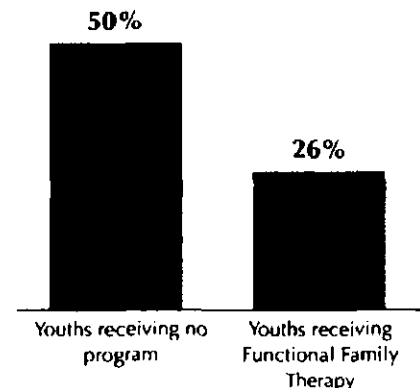
Research shows a correlation between mental illness, substance abuse and juvenile delinquency. When youth crime is due to aggression or lack of impulse control, targeting the disorder with treatment reduces the likelihood of subsequent offenses. And when young people are restored to good health, continuing proven mental health treatments for youth have been shown to prevent crime.

Proposition 63 Funds Proven Treatment Programs

- Proposition 63 prioritizes expanding the highly successful "Wrap-around" program, where youth at risk of an out-of-home placement are provided the mental health services they need to remain at home. **In a Santa Clara County Wrap-around program, more than 30 percent of participants have moved out of social service**

Family Therapy (FFT) Cuts Re-arrests in Half

Percent of youths re-arrested



Blueprints for Violence Prevention

dependency or juvenile probation status. This model is proven to significantly reduce delinquency and youth imprisonment.

- **Intensive Family Therapy** that provides treatment services to youth and their family, has been shown to significantly reduce re-arrest. For example, **Multi-Systemic Therapy is proven to reduce** to reduce re-arrest rates by as much as 70 percent, and is currently used to serve probation youth in Los Angeles and Sacramento County Probation Departments. **Functional Family Therapy**, a shorter, but similar family-based intervention for court involved youth has been shown to **cuts arrests by half**, and is being used in Humboldt county.

Proposition 63 Saves Money in the Long Term.

Prevention and early intervention strategies are significantly more cost-effective than waiting for a troubled youth to end up at the California Youth Authority, which costs \$80,000 per youth per year. **Intensive Family Therapies have been shown to save as much as \$29 for every \$1 invested.**

Parent Training to Control the Behaviors of Troubled Youths Prevents Future Crime and Saves Money				
	Cost of the program per participant	What the program saves taxpayers (from less crime) minus the costs per participant	What the program saves taxpayers & crime victims minus the costs per participant	Dollars saved by taxpayers and crime victims for every dollar invested
Functional Family Therapy				
Multisystemic Therapy				
Multidimensional Treatment Foster Care				
*This is above the cost of the alternative, care in a group home, because foster care youths cannot be returned to their homes at this time.				
Washington State Institute for Public Policy				

Proposition 63 Will Provide Treatment Wherever and Whenever Kids Need It.

The Children’s System of Care (CSOC), a program that redirects resources away from expensive institutional or out-of-home care to more coordinated and comprehensive mental health services in the youth’s home and community, has been shown to reduce felony arrests, saving the state millions in detention, corrections and probation costs. CSOC was eliminated in this years’ budget, and will be restored if Proposition 63 passes.

How Will Proposition 63 Help Fund Services for Young People?

Protects Existing Funding. In particular, the initiative would protect full state funding with no cap or limitation on total dollar amounts for two programs considered to be *the lifeblood of children’s mental health funding in California and pay for most of the services to children; yet, due to budget shortfalls, these programs have been slated for cuts by the current and previous administrations.*

- The EPSDT (Early and Periodic Screening Diagnosis and Treatment) program ensures comprehensive services to children whose families are enrolled in Medi-Cal
- The AB 3632 program provides access for children whose mental health needs require them to be placed in special education.

Provides New Funding

Proposition 63 will provide between \$150 to \$300 million in *new funding* for children who suffer from a serious mental illness or emotional disturbance.

Restores Cut Funding

Twenty percent of all the funds raised by the initiative will be for *Prevention and Early Intervention Programs*, and the majority of these new funds will serve children before their health problems become severe. Research has shown that, of the youth who are at-risk of developing a conduct disorder and becoming delinquent, half can be predicted early, and promising prevention programs can improve outcomes among these youth.

Why Tax Millionaires to Pay for Mental Health Services Through the Ballot Box?

Historical Context. When elected officials closed California's mental hospitals in the 1960s and 1970s, they promised that new funds for community-based treatment would follow. Those funds never materialized, and, as a result, we scramble every year to protect funds that serve mentally ill youth. Proposition 63 is desperately needed to keep the promise California made to build strong, health, and crime free communities through investments in a quality mental health system.

Proposition 63 Funding Myths

- **Opponents argue that this revenue source is "volatile."** In fact, Proposition 63 was designed with this revenue flexibility in mind. When revenues rise in a booming economy, the measure requires a portion to be set aside in a "rainy day" reserve fund, or to be used for hard-to-fund basics, such as construction of facilities and training of professionals. When the economy turns downward, the reserves can be tapped to keep service levels constant, so no one who needs help must be turned away.
- **Opponents argue that Prop. 63 will force millionaires out of state.** For Californians' who make more than \$1 million a year, the new tax under Proposition 63 will barely cut into the thousands they received under the federal tax cuts. California's last increased taxes on millionaires in 1991 by almost two percent. Yet, this change did nothing to reduce the number of millionaires in the state. In fact, the number of millionaires in California increased by 2,000 in the following four years.

Law Enforcement Supports Proposition 63

Along with FIGHT CRIME: INVEST IN KIDS *California*, Proposition 63 has been endorsed by several public safety groups and individuals:

- The California Police Chiefs Association
- The Peace Officers Research Association of California,
- California State Fire Fighters' Association
- The California Association of Drug Court Professionals.



Homes for Life
FOUNDATION

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September 14, 2004

Mayor Bill Bogaard
117 E. Colorado Boulevard
Pasadena, CA 91103

SUBJECT: PROPOSITION 63 - SUPPORT

Dear Mayor Bogaard:

This letter is provided to you on behalf of Homes for Life Foundation (HFLF) and those it serves, to request your support of Proposition 63 - designed to expand mental health programs for children and adults. We are also requesting that the City of Pasadena pass the resolution to be presented by the National Alliance for the Mentally Ill (NAMI)-San Gabriel Valley, to support a YES vote on Proposition 63.

As you know, HFLF is a non-profit housing corporation formed in 1986 that is dedicated to establishing a network of permanent, service-enriched housing within the geographic boundaries of Los Angeles County to serve homeless persons suffering from mental disorders or illness. In my past 20 years of service, I have witnessed first-hand the gross neglect of persons with mental illness. Countless persons with mental illness are denied housing and treatment each day, causing them to suffer needlessly, and quite often causing them to become homeless or to end up in jails or hospitals.

Proposition 63 will ensure health care for such handicapped children and adults by providing an expansion of a wide range of services, including outreach, medical care, short and long-term housing, prescription drugs, vocational training, and self-help and social rehabilitation services. Such services would be provided to persons and families without insurance, or for whom insurance coverage of mental health care has been exhausted. Payment obligations would be on a sliding fee scale.

The Legislative Analyst predicts Proposition 63 will produce a 'statewide savings of hundreds of millions of dollars annually on a statewide basis from reduced costs for state prison and county jail operations, medical care, homeless shelters, and social services programs'. AB 34 programs have illustrated that treating mental illness in its early stages does generate measurable savings in all of the aforementioned areas.

Because of the State's proposed gross budget curtailments, thousands of persons with mental illness will be denied services and medications they so desperately need to lead sane, stabilized lives - unless Proposition 63 is passed. We therefore urge your support of Proposition 63 as a life-saving, fiscally sound, and humane act of kindness.

Sincerely,

Carol M. Liess, Executive Director
HOMES FOR LIFE FOUNDATION

cc: Pasadena City Councilmembers
NAMI-San Gabriel Valley