

Issue:

The following are recommendations from the MHSOAC Client and Family Leadership Committee (CFLC) to the MHSOAC regarding the Stakeholder Engagement and Participation language (concentrated in Section III-a) of the proposed Memorandum of Understanding (MOU) between MHSOAC and its three government partners (Department of Mental Health, California Mental Health Directors Association, and California Mental Health Planning Council).

Background

According to its charter, the CFLC is charged to provide feedback to the MHSOAC regarding the Stakeholder Engagement and Participation dimension of the proposed MOU. This charge reflects the CFLC's broader responsibility to provide input to the MHSOAC regarding community planning and other dimensions of local and stakeholder engagement related to the Mental Health Services Act (MHSA), with a particular focus on the contributions of clients, parents, and families.

THE CFLC met by telephone conference on April 6, 2009 to address the portions of the MOU that pertain to Stakeholder Engagement and Participation. Various members of the community also attended and contributed to the discussion.

The CFLC, as requested by its co-chairs, did not address other aspects of the MOU. For this reason, it is making no recommendations regarding the MOU as a whole.

Recommendation:

1. The CFLC recommends that Section III-a, "Stakeholder Engagement and Participation," and all other language referring to stakeholder input be removed from the MOU.
2. The CFLC offers itself as a workgroup and/or consultative body in partnership with the other mental health partners to generate new inclusive language clarifying the role of Stakeholders.

Options Considered

The CFLC as an advisory body to the OAC supports the intention of all mental health partners to improve collaboration and coordination, including organizations that represent clients, parents and families that are centrally affected by mental health policies and programs. The CFLC, as described, only addressed those sections of the proposed MOU that relate to Stakeholder Engagement and Participation. With regard to those sections, the CFLC has serious concerns about both the content and the process through which those sections were developed.

Concerns about content: The CFLC is concerned that the MOU's language indicates a shift away from a commitment to full inclusion of family and clients within decision making relevant to the MHSA that appears contrary to both the language and intention of the Act. In the words of one CFLC member, "The MOU

backs away from the commitment to keep clients and family members central to the process.” The following are specific examples of this concern:

- With regard to statewide (as opposed to local) stakeholder input, the MOU states, “...each of the State entities (DMH, MHSOAC and the Planning Council) may seek stakeholder input to inform their decision-making.” In contrast, the MHSA states, “The Commission shall ensure that the perspective and participation of members and others suffering from severe mental illness and their family members is a significant factor in all of its decisions and recommendations.” CFLC members are concerned that the language in the MOU, including the shift from “shall” in the MHSA to “may” in the MOU, significantly understates what the MHSA requires of the MHSOAC in its relationship to stakeholder input.
- CFLC members are concerned that the MOU statement, “All Parties also agree that in all instances this [community] input is advisory” tends to “greatly diminishes the importance of stakeholder involvement,” to quote one CFLC member. CFLC members’ concern is that “advisory” is weaker than the MHSA language “a significant factor in all [MHSOAC’s] decisions and recommendations” cited above.
- With regard to local stakeholder input, CFLC members are concerned about the MOU statement, “Counties through their Mental Health Boards and Commissions provide opportunities for local stakeholder input. This ensures that the Plans developed pursuant to the Act accurately reflect local need.” This provision could suggest, inaccurately in the view CFLC members, that local input through Mental Health Boards and Commissions is sufficient to ensure that MHSA Plans reflect local needs. CFLC members point out that across counties Mental Health Boards vary greatly in how they provide opportunities for engagement of diverse stakeholders, especially those who might not feel comfortable participating in public meetings. Mental Health Boards and Commissions are required to review plans at the end of the process, and do not necessarily serve as vehicles to give input to the initial development of MHSA Plans.
- CFLC members greatly appreciate the inclusion of the following section in the MOU: “A portion of the planning funds “shall include funds for county mental health programs to pay for the costs of consumers, family members and other stakeholders to participate in the planning process.” The 5% administrative funds are to cover DMH, CMHPC and MHSOAC costs. “The administrative costs shall include funds to assist consumers and family members to ensure the appropriate State and County agencies give full consideration to concerns about quality, structure of service delivery or access to services.”

Concerns about process and structure: Secondarily but of equal concern to CFLC members is the process by which the stakeholder engagement section was developed and included in the MOU. In the words of Co-Chair Vega, “Since client and family stakeholders were not themselves included in the framing of the MOU, that language which refers the Stakeholders is problematic with regards to

the Act as well as its spirit, which was driven by an understanding that those affected by decisions must be included in MHSA decisions (“nothing about us without us.”) Members’ concerns about process and structure can be summarized as follows:

- CFLC members expressed that while it is one thing for the four government partners to address their relationships with each other through a MOU, it is unwise for the four government partners to make agreements about stakeholder engagement and participation without involving stakeholders.
- The Department of Finance audit that precipitated the MOU states, “MHSA identifies the implementation participants – DMH, OAC, Mental Health Planning Council, counties and stakeholder community groups – but the responsibilities of each are loosely defined,” and recommends that DMH “work collaboratively with each entity to come to agreement on the roles and responsibilities.” CFLC members are concerned in this context that “stakeholder community groups” were not a part of the MOU development and agreement.