

DEPARTMENT OF SOCIAL SERVICES



744 P Street, Sacramento, CA 95814

December 18, 1991

ALL COUNTY LETTER NO. 91-124

TO: ALL GROUP HOME PROVIDERS
ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL LOCAL COUNTY MENTAL HEALTH DIRECTORS

SUBJECT: AB 1727 CHANGES TO REQUIREMENTS FOR AID TO FAMILIES
WITH DEPENDENT CHILDREN - FOSTER CARE (AFDC-FC) GROUP
HOME RATE CLASSIFICATION LEVELS (RCLs) 13 and 14.

The purpose of this letter is to provide you with information on the changes imposed by Assembly Bill (AB) 1727 (Chapter 610, Statutes of 1991) relative to the implementation of AFDC-FC group home RCLs 13 and 14 for Fiscal Year (FY) 1991-92 and with directions which will assist you in complying with the bill's requirements. The changes imposed by AB 1727 are only effective until July 1, 1992.

To implement the provisions of AB 1727, the State Department of Social Services (SDSS) will be filing emergency regulations with the Office of Administrative Law. Unfortunately, it may be several months before the regulations are filed and become effective. However, in order to ensure that group home programs can be classified and paid at RCLs 13 and 14 as expeditiously as possible, we are transmitting implementation directions to you at this time.

The instructions contained within this letter incorporate the policies and procedures which will be included in the development of the emergency regulations. The Department will notify you in the event that the regulations are not filed or if there are any other changes to the information contained within this letter. A final implementation letter will be issued once the emergency regulations have been filed.

Counties and group home providers should be aware that nothing contained within this letter exempts group home providers from established community care licensing requirements. All providers will be required to adhere to all group home licensing requirements and regulations in administering programs operating at RCLs 13 or 14. Group home providers should also be aware that any changes made to their programs which result in any RCL increase or decrease must be reported to the provider's appropriate community care licensing analyst.

The information which follows is divided into six components. Together, these components provide an overview of the general requirements imposed by AB 1727 for classification at RCLs 13 and 14 during FY 1991-92, including the criteria which must be met, the effective date of a rate, reclassification and penalties, and program changes. In addition, Attachment A outlines the implementation instructions to allow classification of group home programs at RCLs 13 and 14. Lastly, Attachments B and C provide statute cited within this letter to assist you in understanding the requirements imposed by AB 1727.

Requirements for Classification

AB 1727 changes the requirements which enable group home programs to be classified at RCLs 13 and 14 during FY 1991-92. Under SB 1176 (Chapter 46, Statutes of 1990), group home programs which wished to be considered at RCL 13 or 14 were required to meet all the following requirements: 1) generate the requisite number of points; 2) only accept children with special treatment needs as determined through the Level of Care Assessment Instrument; and 3) have measurable performance standards developed by the county of placement. Now, under AB 1727, group home programs which wish to be classified at RCL 13 or 14 during FY 1991-92 must meet all of the following conditions.

- o The group home program is providing or has proposed to provide the level of care and services necessary to generate sufficient points in the rate setting process to be classified at RCL 13 or 14.
- o The group home provider agrees to accept for placement into the program only children who have been certified by the local mental health program to be seriously emotionally disturbed (SED) as defined in AB 1727 (see Page 4 of this letter) and in need of the level of care and supervision provided in the group home program.

A group home program will not be required to obtain certifications for children already in placement on the date of the mental health treatment program certification described below provided the group home program: 1) provided the level of care and services during FY 1990-91 necessary to generate sufficient points in the rate setting process to be classified at RCL 13 or 14, and 2) projected that it would provide such level of care and services in the FY 1990-91 and FY 1991-92 rate applications. (Welfare & Institutions Code Sections 11462(g)(3)(B)(iii) and (g)(5)(B)(iii).)

- o The local mental health program (or the State Department of Mental Health if it agrees) certifies that the group home program includes provisions for mental health treatment services that meet the local mental health program's criteria, including but not limited to: therapeutic milieu, self-help skills, behavioral interventions, psychosocial activities, and other therapeutic services required for the child to benefit from the program. The certification must also include assurances that program services are available, as attested by the local mental health director.

Emergency Placements

AB 1727 makes a special exception to the child certification requirements previously discussed for children determined by the placing agency to be in need of immediate emergency placement. Children, who are determined to be in need of immediate emergency placement and who are placed in a group home program prior to the completion of a mental health assessment on the child and the local mental health program child certification, must be assessed by a licensed mental health professional within 72 hours of the emergency placement within the group home program. This assessment must indicate that the child is SED as defined in AB 1727 (see page 4 of this letter) and in need of the level of care and supervision provided in the program.

In addition, the provider must obtain the required child certification from the local mental health program within 30 days of the first day of placement in the group home program for each such child.

If these requirements are not adhered to by the group home provider, the program will have not met the child certification requirements for classification at RCL 13 or 14.

Effective Dates

AB 1727 mandates that rates are to be effective on the date all three required conditions previously described are met. In addition, any group home program, which met the points and the mental health treatment program certification requirements prior to October 7, 1991 (the chaptered date of AB 1727), can have their rate set effective July 1, 1991 provided that: 1) the mental health treatment program certification was obtained within 90 days of October 7, 1991; and 2) the mental health treatment program certification indicates the group home program met the certification requirements as of July 1, 1991.

Seriously Emotionally Disturbed Definition

AB 1727 clearly defines the term "seriously emotionally disturbed" for purposes of meeting the requirements for RCLs 13 and 14. Under AB 1727, a child who is SED means a child who meets the conditions specified in paragraph (2) of subdivision (a) of Section 5600.3 of the Welfare and Institutions Code and who is subject to Section 1502.4 of the Health and Safety Code. (See Attachments B and C for a copy of the relevant sections.)

Program Change

AB 1727 provides that the classification of a group home program of an existing provider at RCL 13 or 14 shall be considered a "Program Change" for rate setting purposes and, therefore, will be subject to Departmental requirements governing program changes. Providers should be aware, however, that the requirements governing the submission of a placement agency recommendation for requests for classification at RCL 13 or 14 will differ from those for other program changes. For purposes of the implementation of RCLs 13 and 14, all requests for classification to RCL 13 or 14 will be required to include a placement agency recommendation.

Reclassification of RCL

AB 1727 mandates the reclassification of group home programs at RCL 13 or 14 under specified conditions. Any group home program that has been classified at RCL 13 or 14 will be reclassified at the appropriate lower RCL with a commensurate reduction in rate when any of the following occur: 1) program fails to maintain the level of care and services necessary to generate the requisite number of points for RCL 13 or 14; 2) program accepts placement of a child who has not been certified as required; and 3) program fails to maintain a certified mental health treatment program as required.

AB 1727 also requires that the effective date of any such reclassification and reduction in rate be the date of occurrence of any of the conditions previously cited. As a result, if the Department determines that a provider has failed to maintain the RCL 13 or 14 requirements, the program may be subject to a retroactive overpayment as well as a reduction of the rate.

If you have specific questions as to the instructions contained within this letter or how AB 1727 relates to your group home program, please contact your group home rates consultant in the Foster Care Rates Bureau, at (916) 323-1263.

Sincerely,

A handwritten signature in cursive script, appearing to read "Loren D. Suter".

LOREN D. SUTER
Deputy Director
Adult & Family Services Division

cc: CWDA

ATTACHMENT A

PROCEDURES FOR CLASSIFICATION

The instructions which follow will assist group home providers in applying for RCLs 13 or 14 from the SDSS Foster Care Rates Bureau (FCRB). The Department recognizes that there are three separate types of group home programs which may apply for RCL 13 or 14 during FY 1991-92. While the total requirements for classification for each type are similar under statute, the instructions necessary for each to meet the requirements are different since each is at a different stage of the rate application process. Therefore, each type of group home program has been addressed separately.

The first potential type of group home program (existing group home program) is one which, during FY 1990-91, provided the level of care and services necessary to generate sufficient points in the rate setting process to be classified at RCL 13 or 14 and projected that it would provide that level of care and services in the FY 1990-91 and FY 1991-92 rate applications. Because these programs have already provided the Department with some of the information necessary to classify them at these RCLs, the Department has modified the application instructions to avoid unnecessary and duplicative information requests.

The second type of group home program (previous program change) is one which submitted a completed program change application for FY 1991-92 prior to October 7, 1991 and, which requested to be classified at RCL 13 or 14 and demonstrated the points for such in the rate application. As these programs have also already provided the Department with some of the information necessary to classify them at RCL 13 or 14, they too will be required to adhere to modified application instructions.

The third type of group home program (new program change) is one which is currently classified at an RCL other than RCL 13 or 14, regardless of the points generated, and has not formally made a request (via the rate application process) prior to October 7, 1991 to be classified at RCL 13 or 14. Since the Department lacks any of the data necessary to classify these group home programs at RCL 13 or 14, they will need to comply with all program change application instructions.

Existing Group Home Programs

1. The group home provider must provide the FCRB with a new FY 1991-92 SR 1 (Rev. 2/90) rate application form. The new form must be marked as a program change, dated with a current date and contain an original signature.

2. In addition to the new SR 1 (Rev. 2/90) rate application form, the provider must submit in writing a statement which details any changes made to the program if the program has been modified since submission of the FY 1991-92 rate application.

If no changes have been made to the program, the statement should indicate that no changes have been made.

The statement must be dated with a current date and contain an original signature by the same individual whose signature appears on the new SR 1 (Rev. 2/90) rate application form.

Depending on the changes identified in this statement, the FCRB may request additional information (i.e., other rate application forms) to update the information provided and to utilize in the rate determination.

3. AB 1727 requires that group home programs being classified at RCL 13 or 14 agree to accept for placement only children who have been certified as SED as defined in AB 1727 (see page 4 of this letter) and in need of the level of care and supervision provided in the group home program. For existing group home programs, this certification requirement only applies to those children accepted into placement after the date of the mental health treatment program certification described in #4 below.

To enable the FCRB to verify that group home providers are aware of, and intend to comply with, this mandate, the group home provider must submit a statement to that effect. The statement should indicate that as of the date of the mental health treatment program certification, the provider agrees to accept for placement into the group home program only children who have been certified by the local mental health program to be SED as defined in AB 1727 and in need of the level of care and supervision provided in the group home program.

The statement must be dated with a current date and contain an original signature by the same individual whose signature appears on the new SR 1 (Rev. 2/90) rate application form.

4. Since AB 1727 mandates that group home programs being classified at RCL 13 or 14 obtain a mental health treatment program certification from the local mental health program, a copy of this certification must also be received by the FCRB prior to classification to enable the FCRB to ensure compliance with this requirement.

Group home providers applying to have their program's rate set effective July 1, 1991, must ensure that the mental health treatment program certification demonstrates that the certification was obtained within 90 days of October 7, 1991 and that the group home program met the mental health treatment program certification requirements as of July 1, 1991.

The mental health treatment program certification must be dated with a current date and specify the date the group home program had a certifiable mental health treatment program in effect. The effective date of the mental health treatment program certification will be the date specified within the certification as to when the group home program had a certifiable mental health treatment program in existence.

5. As the classification to RCL 13 or 14 under AB 1727 is a program change, the group home program must also ensure compliance with Departmental requirements for submission of a placement agency recommendation.

If a placement agency recommendation was submitted with the FY 1991-92 rate application package, this letter will need to be updated to ensure current agency approval. The update, however, need only indicate that the placement agency recommendation previously submitted still is applicable to the current program.

The placement agency recommendation will need to be received by the FCRB prior to classification at RCL 13 or 14 to enable the FCRB to ensure compliance with program change requirements.

6. Each of the information requests previously described in items 1-5 above must be received by the FCRB prior to classification of a group home program at RCL 13 or 14. As such, to ensure that group home programs receive rates commensurate with RCL 13 or 14 as soon as possible, it is imperative that group home providers comply with these information requests as soon as is administratively feasible. Failure to provide the information timely will result in a delay of a program's classification at RCL 13 or 14.

Previous Program Change

1. The group home provider must provide the FCRB with a new FY 1991-92 SR 1 (Rev. 2/90) rate application form. The new form must be marked as a program change, dated with a current date and contain an original signature.

2. In addition to the new SR 1 (Rev. 2/90) rate application form, the provider must submit a statement which details any changes made to the program if the program has been modified since submission of the FY 1991-92 rate application.

If no changes have been made to the program, the statement should indicate that no changes have been made.

The statement must be dated with a current date and contain an original signature by the same individual whose signature appears on the new SR 1 (Rev. 2/90) rate application form.

Depending on the changes identified in this statement, the FCRB may request additional information (i.e., other rate application forms) to update the information provided and to utilize in the rate determination.

3. AB 1727 requires that group home programs being classified at RCL 13 or 14 agree to accept for placement only children who have been certified as SED as defined in AB 1727 (see page 4 of this letter) and in need of the level of care and supervision provided in the group home program. For previous program changes, this certification requirement applies to all children accepted into placement after the date the rate becomes effective at RCL 13 or 14. Therefore, if a rate is established at RCL 13 or 14 effective retroactively to July 1, 1991, the provider must demonstrate that since that date each child accepted into placement has been certified as required.

To enable the FCRB to verify that group home providers are aware of, and intend to comply with, this mandate, the group home provider must submit a statement to that effect. The statement should indicate that as of the effective date of the rate at RCL 13 or 14, the provider agrees to accept for placement into the group home program only children who have been certified by the local mental health program to be SED as defined in AB 1727 and in need of the level of care and supervision provided in the group home program.

The statement must be dated with a current date and contain an original signature by the same individual whose signature appears on the new SR 1 (Rev. 2/90) rate application form.

4. Since AB 1727 mandates that group homes being classified at RCL 13 or 14 obtain a mental health treatment program certification from the local mental health program, a copy of this certification must also be received by the FCRB prior to classification to enable the FCRB to ensure compliance with this requirement.

Group home providers applying to have their rate set effective July 1, 1991, must ensure that the mental health treatment program certification demonstrates that the certification was obtained within 90 days of October 7, 1991 and that the group home program met the mental health treatment program certification requirements as of July 1, 1991.

The mental health treatment program certification must be dated with a current date and specify the date the group home program had a certifiable mental health treatment program in effect. The effective date of the mental health treatment program certification will be the date specified within the certification as to when the group home program had a certifiable mental health treatment program in existence.

5. As the classification to RCL 13 or 14 under AB 1727 is a program change, the group home program must also ensure compliance with Departmental requirements for submission of a placement agency recommendation.

If a placement agency recommendation was submitted with the FY 1991-92 rate application package, this letter will need to be updated to ensure current agency approval. The update, however, need only indicate that the placement agency recommendation previously submitted still is applicable to the current program.

The placement agency recommendation will need to be received by the FCRB prior to classification at RCL 13 or 14 to enable the FCRB to ensure compliance with the program change requirements.

6. Each of the information requests previously described in items 1-5 above must be received by the FCRB prior to classification of a group home program at RCL 13 or 14. As such, to ensure that group home programs receive rates commensurate with RCL 13 or 14 as soon as possible, it is imperative that group home providers comply with these information requests as soon as is administratively feasible. Failure to provide the information timely will result in a delay of a program's classification at RCL 13 or 14.

New Program Change

1. Group home providers wishing to change the RCL of their program to RCL 13 or 14 must meet the points, child certification and mental health treatment program certification requirements mandated by AB 1727.

2. Providers must continue to submit an application for program change as specified in Departmental regulations, Manual of Policies and Procedures (MPP) Section 11-402.432.
3. Along with the application for program change, the provider must also submit the following:
 - o A copy of the mental health treatment program certification from the local mental health program as required by AB 1727. The effective date of the mental health treatment program certification will be the date of the certification unless otherwise specifically indicated within the certification.
 - o A placement agency recommendation for the program change.
4. In addition to the placement agency recommendation requirement, the provider must also ensure compliance with all other appropriate program change requirements specified in Departmental regulations, MPP Section 11-402.43.

General Program Requirements

1. Children, who are placed into a group home program on an emergency basis prior to a mental health assessment and a local mental health program child certification, must be assessed by a licensed mental health professional as SED as defined in AB 1727 (see page 4 of this letter) and in need of the level of care and supervision provided in the group home within 72 hours of the emergency placement.
2. In addition to the initial 72-hour mental health assessment, the provider must also obtain the child's mental health certification mandated by AB 1727 within 30 days of the first day of placement. The purpose of the local mental health program child certification is to certify that the assessment is accurate with respect to the child's SED status and resulting needs. It is not intended to be merely a certification of the process used by the group home to perform the assessment.
3. Failure to meet the 72-hour assessment or local mental health program child certification requirements will result in the provider not meeting the child certification requirements for classification at RCL 13 or 14.
4. Copies of both the initial mental health assessment and the child certification need to be maintained on file by the group home program.

5. With respect to regular placements, the group home provider will need to maintain a copy of local mental health's child certification on file for each child in placement. Such certifications are not necessary for children in placement on the date of the mental health treatment program certification, provided the program meets the requirements of Welfare and Institutions Code Sections 11462 (g)(3)(B)(iii) and (g)(5)(B)(iii). (See Page 2.) This will enable the FCRB to ensure the local mental health program child certification mandates imposed by AB 1727 for programs operating at RCL 13 or 14 are being met.
6. The group home provider must also maintain a copy of the mental health treatment program certification on file and have it available for review by the FCRB.
7. Case files will be reviewed during the group home program audit process to verify that the local mental health program child certification requirements and, if appropriate, child assessment requirements have been met. In addition, FCRB will verify that a copy of the mental health treatment program certification is on file.

Failure to maintain this documentation on file by the group home program will result in the group home program not meeting the appropriate certification or assessment requirements of AB 1727.

8. Failure of a group home program to meet the points, child certification, or mental health treatment program certification requirements will result in a loss of the RCL 13 or 14 classification and rate. Such group home programs will be subject to an immediate reclassification and rate reduction.

The effective date of the reclassification and rate reduction will be the date that the program failed to meet the points, child certification or mental health treatment program certification requirements.

Assembly Bill No. 1727

CHAPTER 610

An act to add Section 1502.4 to the Health and Safety Code, and to amend Sections 4094, 4095, 11460, 11462, and 11467 of, and to repeal Section 11462.1 of, the Welfare and Institutions Code, relating to youth, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 6, 1991. Filed with
Secretary of State October 7, 1991.]

SECTION 1. Section 1502.4 is added to the Health and Safety Code, to read:

1502.4. (a) (1) A community care facility licensed as a group home for children pursuant to this chapter may accept for placement, and provide care and supervision to, a child assessed as seriously emotionally disturbed as long as the child does not need inpatient care in a licensed health facility.

(2) For the purpose of this chapter, the following definitions shall apply:

(A) "Inpatient care in a licensed health facility" means care and supervision at a level greater than incidental medical services as specified in Section 1507.

(B) "Seriously emotionally disturbed" means the same as paragraph (2) of subdivision (a) of Section 5600.3 of the Welfare and Institutions Code.

(b) If a child described in subdivision (a) is placed into a group home program classified at rate classification level 13 or rate classification level 14 pursuant to paragraph (3) of subdivision (g) of Section 11462 of the Welfare and Institutions Code, the licensee shall meet all of the following requirements:

(1) (A) (i) The licensee shall agree to accept, for placement into its group home program, only children who have been certified by the local mental health program, except as specified in subparagraph (B).

(ii) The certification required by clause (i) shall indicate that the child has been determined by the local mental health program to be seriously emotionally disturbed and the child needs the level of care and supervision provided in the group home program.

(B) Any licensed group home program that, during the 1990-91 fiscal year, provided the level of care and services necessary to generate sufficient points in the ratesetting process to be classified at RCL 13 or 14 and projected that it would provide that level of care and services in the 1990-91 and 1991-92 fiscal year rate applications, with children in placement on the date of the mental health program certification, as required by subdivision (c) of Section 11462 of the Welfare and Institutions Code, shall not be required to obtain the certification of children in placement required by subdivision (g) of Section 11462 of the Welfare and Institutions Code.

(2) (A) The local mental health program has certified that the group home program includes a mental health treatment program suited to meet the mental health treatment needs of the children in placement.

(B) The certification required by subparagraph (A) shall be based on the local mental health program's criteria.

(3) The State Department of Mental Health may, at the request of the counties, provide the certification required by paragraph (2) for group home programs that exist prior to implementation of this section.

(c) (1) The department shall not evaluate, or have any responsibility or liability with regard to the evaluation of, the mental health treatment services provided pursuant to this section and paragraph (3) of subdivision (g) of Section 11462 of the Welfare and Institutions Code.

(2) Except for the certification of any group home program pursuant to this section, the State Department of Mental Health shall not evaluate or have any liability with regard to the evaluation of mental health treatment services provided pursuant to this section and paragraph (2) of subdivision (g) of Section 11462 of the Welfare and Institutions Code.

(d) (1) The local mental health program shall notify the department's licensing office immediately upon the termination of the contract for the mental health treatment program on which the certification required by paragraph (2) of subdivision (b) was based.

(2) If the certification described in paragraph (1) is not based on a contract between the local mental health program and the licensee, the State Department of Mental Health or the local mental health program, as appropriate, shall notify the department's licensing office immediately upon the termination of the mental health treatment program on which the certification required by paragraph (2) or (3) of subdivision (b) was based.

(e) Subdivisions (b) and (d) shall remain operative only until June 30, 1992.

Assembly Bill No. 1491

CHAPTER 611

An act to amend Sections 209, 255, and 265 of, to repeal and add Section 266 of, and to add Section 275 to, the Health and Safety Code, to amend Sections 225.05, 1806, 4012, 4017, 4033, 4050, 4071, 4075, 4091, 4094, 4095, 4330, 4331, 4332, 4333, 4341, 4342, 4353, 4356, 4360, 5402, 5403, 5600.1, 5600.2, 5600.3, 5600.4, 5600.5, 5600.7, 5600.9, 5604.2, 5610, 5651, 5651.2, 5672, 5695.7, 5704, 5705, 5711, 5712, 5714, 5716, 5721, 5722, 5724, 5750, 5750.1, 5764, 5802, 5851, 5905, 10604.5, 14153, 16800, 16801, 16803, 16808.1, 16809, 16809.3, 16812, 16817, 17000.5, 17600, 17600.15, 17600.20, 17601, 17602, 17603, 17603.05, 17604, 17605, 17605.15, 17606, 17606.05, 17606.10, 17606.15, 17606.20, 17608.05, 17608.10, 17609, 17609.05, 18986.21, and 18988 of, to amend and renumber Sections 5600.2, 5692, 5692.5, 5699, 5699.1, 5699.2, and 17602.05 of, to add Sections 10604.6, 17601.10, 17604.05, 17609.01, and 17609.10 to, to repeal Sections 1807, 1808, 1809, 1810, 1811, 1812, and 17608 of, and to add Article 2 (commencing with Section 5680) to Chapter 2.5 of Part 2 of Division 5 of, and to repeal Article 2 (commencing with Section 5681) of Chapter 2.5 of Part 2 of Division 5 of, the Welfare and Institutions Code, and to amend Sections 202 and 203 of Chapter 89 of the Statutes of 1991, relating to public social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 6, 1991. Filed with
Secretary of State October 7, 1991.]

SEC. 38. Section 5600.3 of the Welfare and Institutions Code is amended to read:

5600.3. To the extent resources are available, the primary goal of use of funds deposited in the mental health account of the local health and welfare trust fund should be to serve the target populations identified in the following categories, which shall not be construed as establishing an order of priority:

(a) (1) Seriously emotionally disturbed children or adolescents.

(2) For the purposes of this part, "seriously emotionally disturbed children or adolescents" means minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child's age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

(A) As a result of the mental disorder the child has substantial impairment in at least two of the following areas: self-care, school functioning, family relationships, or ability to function in the community; and either of the following occur:

(i) The child is at risk of removal from home or has already been removed from the home.

(ii) The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.

(B) The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.

(C) The child meets special education eligibility requirements under Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code.

(b) (1) Adults and older adults who have a serious mental disorder.

(2) For the purposes of this part "serious mental disorder" means a mental disorder which is severe in degree and persistent in duration, which may cause behavioral functioning which interferes substantially with the primary activities of daily living, and which may result in an inability to maintain stable adjustment and independent functioning without treatment, support, and rehabilitation for a long or indefinite period of time. Serious mental disorders include, but are not limited to, schizophrenia, as well as major affective disorders or other severely disabling mental disorders. This section shall not be construed to exclude persons with a serious mental disorder and a secondary diagnosis of substance abuse, developmental disability, or other physical or mental disorder.

(3) Members of this target population shall meet all of the following criteria:

(A) The person has a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder or acquired traumatic brain injury pursuant to subdivision (a) of Section 4354 unless that person also has a serious mental disorder as defined in paragraph (2).

(B) (i) As a result of the mental disorder the person has substantial functional impairments or symptoms, or a psychiatric history demonstrating that without treatment there is an imminent risk of decompensation to having substantial impairments or symptoms.

(ii) For the purposes of this part, "functional impairment" means being substantially impaired as the result of a mental disorder in independent living, social relationships, vocational skills, or physical condition.

(C) As a result of a mental functional impairment and circumstances the person is likely to be eligible for public assistance, services, or entitlements or is otherwise legally a public responsibility.

(4) For the purpose of organizing outreach and treatment options, to the extent resources are available, this target population includes, but is not limited to, persons who are any of the following:

(A) Homeless persons who are mentally ill.

(B) Persons evaluated by appropriately licensed persons as requiring care in acute treatment facilities including state hospitals, acute inpatient facilities, institutes for mental disease, and crisis residential programs.

(C) Persons arrested or convicted of crimes.

(D) Persons who require acute treatment as a result of a first episode of mental illness with psychotic features.

(c) Adults or older adults who require or are at risk of requiring acute psychiatric inpatient care, residential treatment, or outpatient crisis intervention because of a mental disorder with symptoms of psychosis, suicidality, or violence.

(d) Persons who need brief treatment as a result of a natural disaster or severe local emergency.