

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2023-20]

Pennsylvania Behavioral Health Council

October 10, 2023

Whereas, the mental health and substance use crises are found in every neighborhood and community throughout the Commonwealth and the wellbeing of Pennsylvanians is of paramount importance to the Administration; and

Whereas, the co-occurring mental health illness and substance use disorders influence each other and present a greater risk for higher morbidity and mortality; increased treatment costs; and a higher risk for homelessness, incarceration, and suicides; and

Whereas, suicide is a serious public health problem among all age groups; however, it is the second-leading cause of death among youth, and over half (54.6%) of Pennsylvania's youth with major depression have not received any mental health treatment; and

Whereas, Safe2Say Something, a life-saving school safety program allowing for anonymous reporting, received 124,626 tips since the program's launch and identifies individuals who may be at risk of hurting themselves or others; and

Whereas, over half (51.9%) of Pennsylvania's adults with a mental illness have received no treatment and a quarter (25.7%) of all Pennsylvania's adults were unable to obtain the treatment they needed; and

Whereas, the healthcare delivery system is facing increased shortages of providers in vital roles that support people with mental health illnesses and substance use disorders; and

Whereas, the COVID-19 pandemic and its impact caused increased and severe mental health challenges, including loneliness, social isolation, acute stress, anxiety, depression, trauma, and loss; and

Whereas, this lack of mental health treatment and support for Pennsylvanians, especially our youth and those with intellectual and developmental disabilities and autism, has left emergency departments overwhelmed with people who seek or need a continuum of services, but who are unable to receive timely, affordable, and quality care elsewhere; and

Whereas, the Commonwealth recognizes that there are challenges to finding services, and there is a critical need to seek solutions that adequately address the overarching goals for timely access to mental health and substance use disorder care services and to build capacity for prevention, quality treatment and intervention, and recovery for Pennsylvanians; and

Whereas, it is essential that state agencies work collaboratively to remove silos and complex processes that prevent the integration of mental health and substance use disorder treatment with primary care services and maximize resources, reduce duplication, and address challenges to promote a holistic approach to improving health outcomes for all Pennsylvanians.

Now, Therefore, I Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of

the Commonwealth of Pennsylvania and other laws, do hereby establish the Pennsylvania Behavioral Health Council (hereinafter referred to as "Council") and do order and direct as follows:



Governor

Fiscal Note: GOV-2023-20. No fiscal impact; recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter WWW. PENNSYLVANIA BEHAVIORAL HEALTH COUNCIL

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§ 6.931. Purpose.

The Pennsylvania Behavioral Health Council is established to:

- (1) Bring together this Commonwealth's leaders, local governments and community providers to develop and recommend to the Governor the implementation of a Statewide action plan that addresses how to deliver timely and quality mental health and addiction care services, in a culturally relevant, trauma-informed and recovery-oriented manner, through an evidence-based behavioral delivery system.
- (2) Provide recommendations and guidance on how to positively impact the lives of residents of this Commonwealth with mental health or substance use disorder needs, including what would be required for a resilient behavioral health delivery system.
- (3) Identify strategic long-term sustainable investments and policymaking initiatives and recommend concrete actions that could be taken to accomplish those initiatives.

§ 6.932. Responsibilities.

The Pennsylvania Behavioral Health Council (Council) shall have the following responsibilities consistent with Federal and State law:

- (1) Develop and recommend to the Governor a Statewide action plan which will create a roadmap to address any gaps in access, affordability and delivery of services.
- (2) Consider and address the following factors when developing the Statewide action plan:
 - (i) This Commonwealth's current behavioral health landscape, including but not limited to new and innovative care delivery models, workforce infrastructure, funding streams, regulatory enhancements, payment models and a data ecosystem to measure gaps in services.
 - (ii) Unmet health-related social needs, health inequities and integration with primary care and how care may be coordinated and provided to treat the whole person.
 - (iii) Collaboration between criminal justice systems, public safety networks and public health organizations to emulate models that have worked effectively at local levels.
 - (iv) Specific legislative, policy and investment recommendations that may materially advance the turnaround time in which individuals with mental health illness and substance use disorder are able to receive needed care or services.
 - (v) The availability of mental health services provided to historically underserved communities.

(3) Bring together State and local agencies, commissions or organizations engaged in the delivery of mental health and substance use disorder services to assist the Council with its purpose and responsibilities, as requested by the Council.

(4) Prepare and deliver to the Governor a Statewide action plan for his review.

(5) Oversee the implementation of the Statewide action plan, as instructed by the Governor.

§ 6.933. Composition of the Pennsylvania Behavioral Health Council.

(a) The members of the Pennsylvania Behavioral Health Council (Council) shall be appointed by and serve at the pleasure of the Governor.

(b) The Council shall consist of 33 members, including all of the following:

(1) The Secretary of Policy and Planning or the Secretary's designee.

(2) The Secretary of Human Services or the Secretary's designee.

(3) The Secretary of Health or the Secretary's designee.

(4) The Insurance Commissioner of the Commonwealth or the Commissioner's designee.

(5) The Secretary of Aging or the Secretary's designee.

(6) The Secretary of Drug and Alcohol Programs or the Secretary's designee.

(7) The Secretary of Education or the Secretary's designee.

(8) The Adjutant General of Military and Veterans Affairs or the Adjutant General's designee.

(9) The Commissioner of Pennsylvania State Police or the Commissioner's designee.

(10) The Secretary of Corrections or the Secretary's designee.

(11) The Secretary of State or the Secretary's designee.

(12) The Secretary of Agriculture or the Secretary's designee.

(13) The Executive Director of Pennsylvania Commission on Crime and Delinquency or the Executive Director's designee.

(14) The Secretary of Labor and Industry or the Secretary's designee.

(15) The Director of Digital Strategy at the Governor's Office or the Director's designee.

(16) The Pennsylvania Attorney General or the Attorney General's designee.

(17) Two members of the public with a lived experience, undergoing treatment services or in recovery from mental health illness or substance use disorders.

(18) A family member of an individual who receives mental health illness or substance use disorder treatment services, or both.

(19) Two representatives from county mental health offices, one from a rural county and one from an urban county.

(20) Two representatives from county drug and alcohol services, one from a rural county and one from an urban county.

(21) Two representatives from an area agency on aging, one from a rural county and one from an urban county.

(22) A clinician expert in child and family behavioral healthcare services who is actively practicing.

(23) A substance use disorder treatment specialist or an addiction specialist who is actively practicing.

(24) A primary care provider who is actively practicing.

(25) A clinician expert in treatment for people with co-occurring intellectual and developmental disabilities and autism and mental illness.

(26) Two members from the Pennsylvania House of Representatives.

(27) Two members from the Pennsylvania Senate.

(c) The Secretary of Policy and Planning or designee shall serve as chair and the Secretary of Human Services or designee shall serve as vice chair of the Council.

(d) The Governor shall appoint an executive director, who shall serve at the pleasure of the Governor. The executive director will be housed in the Governor's Office of Policy and Planning. The executive director shall prepare agendas, timelines and meeting schedules; convene and attend all meetings; assist the Council

with fulfilling its responsibilities under this subchapter; and act as the Council's liaison to the Governor's Office through the Governor's relevant designee.

(e) Council members may attend meetings in person or virtually, or through a combination thereof, at the discretion of the chairperson. In person or virtual participation shall be considered attendance for purposes of constituting a quorum.

(f) Council members appointed by the Governor and serving by virtue of their official position with the Commonwealth are those identified in subsection (b)(1)—(16). Other Council members appointed by the Governor will serve for a term of 2 years and may continue to serve until their successor is appointed.

(g) Members of the Council will serve without compensation for their work on the Council.

(h) The Council may assign tasks to the advisory committee, as needed.

§ 6.934. Composition of the advisory committee.

(a) The members of the advisory committee shall be appointed by and serve at the pleasure of the Governor. Advisory committee members shall serve for a term of 2 years and may continue to serve until their successor is appointed.

(b) The advisory committee shall bring industry knowledge, expertise, reports, findings and feedback from the communities they serve to assist the Pennsylvania Behavioral Health Council (Council) with its purposes as set forth in this subchapter, at the request of the Council.

(c) The executive director of the Council will serve as the chairperson of the advisory committee and may convene the advisory committee, as needed.

(d) The executive director of the Council will prepare agendas, timelines and meeting schedules for the advisory committee; convene and attend all meetings; assist the advisory committee with the completion of any assigned task; and report on a regular basis to the Council regarding the work being done by the advisory committee.

(e) The advisory committee shall consist of at least 20, but no more than 25, diverse members including the following:

- (1) One representative from the Juvenile Court Judges Commission.
- (2) One representative from the community-based health care services.
- (3) One representative from a managed care organization.
- (4) One representative from a rural and an urban county government that provides behavioral health and child welfare services.
- (5) One representative from a Statewide organization representing county commissioners.
- (6) One representative from the Office of Victim Advocate.
- (7) One representative from an organization representing county drug and alcohol administrators.
- (8) One representative from a Statewide organization representing social workers.
- (9) One representative from the courts of this Commonwealth who is a behavioral health administrator.
- (10) Five representatives from provider associations and community members, one from each of the Commonwealth's five regions (Southwest, Northwest, Central, Northeast and Southeast).
- (11) One representative from an organization representing domestic violence victims.
- (12) One representative from an organization representing sexual assault victims.
- (13) One representative from a Statewide organization representing area agencies on aging.
- (14) One representative from a community-based organization that provides services for independent living for individuals with disabilities.
- (15) One representative from an organization advocating for services to older adults.
- (16) One representative from community behavioral health care services.
- (17) Additional advisory committee members the Council deems necessary.

(f) The members of the advisory committee shall serve without compensation. Advisory committee members may attend meetings in-person or virtually, or through a combination thereof, at the discretion of the chair of the advisory committee.

§ 6.935. Relationship with other agencies.

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Pennsylvania Behavioral Health Council to fulfill its responsibilities as set forth in this subchapter.

§ 6.936. Implementation.

This subchapter shall be implemented consistent with applicable law. This subchapter is not intended to and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other persons.

§ 6.937. Effective date.

This subchapter shall take effect immediately.

§ 6.938. Termination date.

This subchapter shall remain in effect until amended or rescinded by the Governor.

[Pa.B. Doc. No. 23-1499. Filed for public inspection November 3, 2023, 9:00 a.m.]