

# The State Legislative Role in the Regulation and Monitoring of Residential Treatment Facilities

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# Overview of NCSL

- Represents Legislatures
- Leadership
- Services Provided
- Forum for State Health Policy Leadership

# Legislative Variables

- Every state is different.
  - Role of committees
  - Leadership structure
  - Priority Issues
- Legislators should know their role.
- Legislators need to understand the issue.
- Might be a multi-year process.

# Bill Considerations

- Law is the policy framework
- Flexibility of executive branch v. explicitness of language
- Identify needed resources
  - Infrastructure
  - Funding
  - Staff
  - Technology
  - Training
- Complexity of the standard

# Possible Elements of a Residential Treatment Statute

- Additional definitions of programs-to capture under the law
- Promotion of Evidence Based Practices
- Banning of specific behaviors
- License program v. license provider/professional
- Training and continuing education
- Criminal background checks
- Professional licensure
- Public education

# After Bill Passage

- Rule making
  - Responsibility for implementation
  - Reporting procedures
  - Complaint procedures
  - Outcome focused v. process focused
- Implementation
  - Infrastructure change/establishment in Health Dept./Licensure board
  - Determine technology/personnel/training/etc. needs
  - Identify residential treatment programs
- Enforcement
- Reporting to Legislature

# Legislative Actions to Prevent Reliance on Residential Treatment Facilities

- Promote community-based mental health care
- Addressing workforce shortages
- Endorse early intervention strategies
- Promote mental health services and education/awareness in schools

# Conclusion

- The law is the policy framework.
- Rulemaking, Implementation and Enforcement are essential elements of the process.
- Stakeholder involvement is necessary.
- Compromise may be essential.
- No statute is perfect.

# Contact Information

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