



CALIFORNIA DEPARTMENT OF
Mental Health

(DMH)
Proposed
Mental Health Services Act
(MHSA) Issue Resolution Process

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General Information

- Questions should be in regard to the proposed process. This is not the forum for MHSA issues.
- There are a limited number of Conference Call lines. Please use a single conference call line from a central location rather than having individual calls from a particular entity.
- DMH has established an email account so stakeholders and interested parties may give input and submit questions about the process. The email account is issue.resolution@dmh.ca.gov.
- Due to the volume of material to be covered during this session, we ask that participants register by sending an email to issue.rsvp@dmh.ca.gov rather than doing a verbal roll call.
- Today's meeting will be recorded and posted on the MHSA Web page and DMH MHSA list serve to allow non-participants to access the information.

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Purpose

- To inform Stakeholders and County Staff on the proposed issue resolution process.
- To gather input and answer questions regarding the proposed issue resolution process.

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Background of DMH MHSA Issue Resolution Workgroup

- Welfare and Institutions Code Section 5845(d)(7) provides that the Mental Health Services Oversight and Accountability Commission (MHSOAC) may refer critical issues to DMH.
- The MHSOAC and California Mental Health Planning Council (CMHPC) received MHSA issues identified by Stakeholders and began referring these issues to DMH.

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Background of DMH MHSA Issue Resolution Workgroup continued:

- A workgroup was formed to develop the process, consisting of the following entities:
- DMH needed to develop a process to manage the incoming MHSA issues.
 - MHSOAC - Mental Health Services Oversight and Accountability Commission
 - CMHPC - California Mental Health Planning Council
 - DMH - California Department of Mental Health
 - CMHDA - California Mental Health Directors Association

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Background of DMH MHSA Issue Resolution Workgroup continued:

- The composition of the workgroup included client/family member representatives.
- The workgroup met frequently from April 2008 through February 2009 to develop the proposed DMH MHSA Issue Resolution Process.
- DMH utilized the process as it was being developed as an "Interim" Issue Resolution Process.
- The workgroup is now presenting the Proposed Issue Resolution Process and seeking your input before finalizing.

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Role of the MHSOAC:

Welfare and Institutions Code (W&IC) Section 5845(d)(7):

- *"If the Commission identifies a critical issue related to the performance of a county mental health program, it may refer the issue to the Department of Mental Health pursuant to Section 5655."*

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Welfare and Institutions Code Section 5655

Excerpts:

- *"If the Director of Mental Health considers any county to be failing, in a substantial manner, to comply with any provision of this code or any regulation, the director shall order the county to appear, to show cause why the department should not take action as set forth in this section."*
- *"If the director determines that there is or has been a failure, and that administrative sanctions are necessary, the department may..."*
 - (a) *Withhold part or all of state mental health funds from such county.*
 - (b) *Require the county to enter into negotiations for the purpose of assuring...compliance...*
 - (c) *Bring an action... in court ...to compel compliance."*

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CA Mental Health Planning Council

- Role in MHSA DMH Issue Resolution Process:
 - W&IC Section 5772 (d) – *"When appropriate, make a finding pursuant to Section 5655 that a county's performance is failing in a substantive manner. (DMH)... shall investigate and review the finding,..."*
 - W&IC Section 5772 (b) – *"To review, assess, and make recommendations regarding all components of California's mental health system, and to report as necessary to...(DMH)..."*

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CA Mental Health Planning Council

- Mandated in federal and state statute
 - Provide oversight of the public mental health system
 - Advocate for adults and older adults with serious mental illnesses and children and youth with serious emotional disturbances and their families
 - Advise Legislature, DMH, and county boards on mental health policy and priorities

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MHSA Background:

- Proposition 63 was passed by voters in 2004 and became effective on January 1, 2005.
- MHSA funds are to be used to expand services and not to supplant already existing funding.

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MHSA Background continued:

- MHSA plans are developed and implemented with continued input from stakeholders through the Community Program Planning Process, local postings of Plans, public hearings and comment periods.
- The role of DMH is to review MHSA Plans and disperse funds in a timely manner.

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MHSA Components:

- Community Services and Support
- Prevention and Early Intervention
- Workforce Education and Training
- Capital Facilities and Technological Needs
- Innovation

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5 Essential Elements of the MHSA:

- Community Collaboration
- Cultural Competence
- Client/Family Member Driven System
- Wellness, Recovery and Resilience Focus
- Integrated Services for clients/families

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Purpose of DMH MHSA Issue Resolution Process:

- To develop a process for filing and resolving issues related to MHSA Community Program Planning Process, service access, and consistency between program implementation and approved Plans.

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County Role in the Issue Resolution Process

- Issues regarding the MHSA should be addressed first at the local level, beginning the issue resolution process, in an expedient and appropriate manner.
- Based on county population, demographics, and organizational structure, specific issue resolution processes vary (i.e. Patients Rights, Mental Health Plan Grievance and Appeal Process, Medi-Cal Grievance and Appeal Process for clients/ family members and providers).
- Counties may build on existing structures to address MHSA issues or develop a new process. Contact your local MHSA coordinator for local information.

At a minimum, counties comply with regulations while exercising accountability and creating unique strategies which best serve local constituents.

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Local MHSA Issue Resolution Process

The MHSA envisions that if issues arise with regard to a plan's content or performance, such issues could be identified through the local review process outlined in **W&IC Section 5848 (a)**:

- *"Each plan and update shall be developed with local stakeholders including adults and seniors with severe mental illness, families of children, providers of service, law enforcement agencies, education, social services agencies and other important interests. A draft plan and update shall be prepared and circulated for review and comment for at least 30 days to representatives of stakeholder interests and any interested party who has requested a copy of such plans."*

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Local Issue Resolution Process - MHSA

W&IC 5848(b) defines the role of local mental health boards and commissions, with a cross reference to existing W&IC 5604, in conducting a public hearing regarding the plans and annual updates and recommendations to the local mental health department regarding revisions:

- *The mental health board established pursuant to Section 5604 shall conduct a public hearing on the draft plan and annual updates at the close of the 30-day comment period required by subsection (a). Each adopted plan and update shall include any substantive written recommendations for revisions. The adopted plan or update shall summarize and analyze the recommended revisions. The mental health board shall review the adopted plan or update and make recommendations to the county mental health department for revisions.*

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County Principles for Issue Resolution Process

Here is one county example:

- Ensure the client/family member/provider/community member has a choice in submitting their issue orally or in writing.
- Ensure assistance is available, if needed, for the client/family member/provider/community member to submit their issue.
- Provide more than one avenue to submit their issue within a department (e.g. Access Unit, Patients' Rights Office) or via the personal service coordinator, or program manager/supervisor or on a grievance form kept in all program lobbies, that includes a telephone number directly linking them up with the Quality Management Unit which processes all issues.

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County Principles for Issue Resolution Process (continued)

- Ensure receipt of the concern is confirmed with the client/family member/provider/community member and include reassurance that the issue will be investigated and a resolution found within a specified time period.
- Notify the client/family member/provider/community member of the resolution in writing and provide information regarding the appeal process and State level opportunities for additional resolution if desired.

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Types of MHSA Issues to be Resolved:

- Access to services
- Appropriate use of funds
- Inconsistency between approved Plan and implementation
- Local Community Program Planning Process

An Issue Filer may authorize someone else to act on their behalf.

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MHSA Issues are Submitted to:

- ★ Mental Health Services Oversight and Accountability Commission (MHSOAC)
- ★ California Mental Health Planning Council (CMHPC)
- ★ California Department of Mental Health (DMH)

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Non-MHSA Issues Referred to Other Resources:

- Patients' Rights Advocates
- Ombudsman
- Medi-Cal Issue Resolution Process
- County Quality Assurance and Utilization Review staff
- Disability Rights California, formerly known as Protection and Advocacy Incorporated

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Proposed DMH MHSA Issue Resolution Process

Issues regarding the MHSA should be addressed at the local county level, beginning the issue resolution process, in an expedient and appropriate manner. The general principles for a local process are:

- The Issue Filer has a right to bring a concern forward.
- The concern will be reviewed by an impartial body.
- The Issue Filer will be notified of the outcome.
- DMH reserves the right to review whether the county's local process is in compliance with the MHSA Agreement, regulations, or statutes.

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Proposed DMH MHA Issue Resolution Process Continued:

DMH confirms whether:

1. the local county issue resolution process was exhausted.
2. the issue is not related to the MHA Agreement, regulations, or statutes.

If DMH determines the above two conditions are not met, the Issue Filer will be referred to their local process or appropriate resources.

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Proposed DMH MHA Issue Resolution Process Continued:

If DMH determines the local process was used and the presented issue appears to be inconsistent with the MHA Agreement, regulations or statutes, DMH will:

- ask the Issue Filer to provide evidence that the local process was exhausted and documentation of the County Administration's remedy.
- contact the Issue Filer to obtain information. If the Issue Filer requests anonymity, DMH will ask the Issue Filer's permission to summarize their issue.
- contact the County (usually the Mental Health Director and/or MHA Coordinator) to obtain their statement and disposition of the MHA issue.

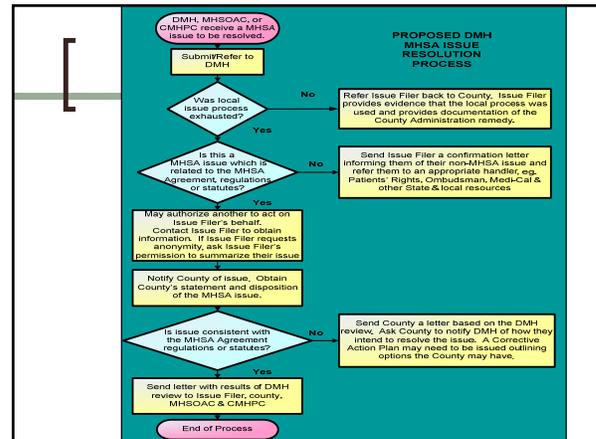
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Proposed DMH MHA Issue Resolution Process Continued:

• After fact finding, if the presented issue is consistent with the MHA Agreement, regulations or statutes, DMH will send a letter with results of the DMH review to the Issue Filer, County, MHSOAC and CMHPC.

• If DMH determines that the activity by the County was inconsistent with the MHA Agreement, regulations or statutes, DMH will contact the county by letter requesting a description of how they intend to resolve their issue, and may require a Corrective Action Plan from the county.

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Questions ?



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Next Steps

- DMH and the Issue Resolution Workgroup will review feedback from this Web Meeting and use this information to finalize the Proposed MHA Issue Resolution Process.
- Until this process is finalized, DMH will continue to resolve MHA issues using the Proposed MHA Issue Resolution Process.
- When this process becomes finalized, DMH will notify stakeholders and counties of the DMH MHA Issue Resolution Process on the MHA web page and MHA list serve.
- We will be receiving your questions and comments until close of business on 5/31/09 7/31/09 at issue.resolution@dmh.ca.gov.

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