



SANTA CLARA COUNTY MENTAL HEALTH SERVICES ACT

## Santa Clara County Local MHSA Issue Resolution Process Draft - Revised: May 23, 2011

### Background:

The California Department of Mental Health (DMH) has statutory responsibility for ensuring that counties comply with all regulations related to the Mental Health Services Act (MHSA). DMH proposed a State MHSA Issue Resolution Process (IRP) in the summer of 2009. DMH's interim MHSA issue resolution process requires that stakeholders exhaust their local processes before accessing State venues such as DMH, the Mental Health Services Oversight and Accountability Commission (OAC), or the California Mental Health Planning Council (CMHPC).

### Types of MHSA Issues to be Resolved in this Process:

- Local MHSA community program planning;
- Service access;
- Appropriate use of MHSA funds;
- Consistency between program implementation and approved plans.

### Summary:

Fundamentally, all MHD-related issues fall into two categories: 1) the quality of an individual's or family's services or 2) compliance with existing statutes or regulations. The Santa Clara County Mental Health Department's (MHD) MHSA IRP is designed to *augment* rather than supplant existing procedures to resolve service and compliance issues. All service or compliance matters – regardless of funding source – will be resolved through existing procedures. These procedures include the following.

1. **A client problem resolution process (Policy & Procedure 222)** to resolve client concerns related to service access and appropriateness; this procedure provides access to a local Grievance and Appeal Committee and a State entity. This process is managed by the Quality Improvement program (QI).
2. **A provider problem resolution and appeal process (Policy & Procedure 651)** to resolve issues that arise between provider agencies and the MHD; and,
3. **A Compliance Officer** to process and investigate allegations of fraud and abuse, privacy infractions and other regulatory violations.

However, the local MHSA IRP will require the MHD to annually summarize the MHSA issues that were filed, identify trends, and recommend system changes. The **“Annual MHSA Issues Report”** will be developed in conjunction with the Compliance Officer and QI Manager. A draft of the report will be presented to the Mental Health Board's System Planning and Fiscal Committee in May of each year. The final report will be prepared with input from the aforementioned committee and submitted to the full Mental Health Board for consideration in June of each year.

**Process:** The attached flow chart describes the process by which MHSA issues will be resolved. The proposed procedures do not supersede any existing regulations or the MHD's authority to administer, develop or monitor its contracts, services and personnel. In addition, the MHSA IRP will have the following characteristics.

- 1) No Wrong Door. An individual may file an issue at any point and avenue within the system. These avenues may include but are not limited to the MHD Director and senior staff, the MHB, MHD staff and supervisors, the Compliance Officer, and the QI program. It will be the task of the MHD to accurately categorize MHSA and non-MHSA issues.
- 2) Informal Inquiry. The MHD's intent is for issues to be resolved as quickly and as efficiently as possible. The MHD's MHSA Coordinator serves as the primary point of contact for questions and requests for clarification.
- 3) The confidentiality of issue filers will be respected and maintained to the extent that their identification is not needed to resolve the issue.
- 4) Individuals and families have the right to have another individual or entity submit an issue on their behalf.
- 5) If requested, the MHD will provide assistance to the issue filer through peer mentors, service providers or the Mental Health Advocacy Project.
- 6) Administrative Procedures.
  - a) The MHD will acknowledge receiving the issue in writing within 5 business days of receiving the issue, and inform the issue filer of the issue's disposition.
  - b) The MHD will review the facts of the case and issue a written ruling within 90 business days. The MHD will notify the filer in writing of the issue's status if an issue cannot be resolved at the end of 30 and 60 days. If changes or corrective actions are necessary, the MHD will include a timeline for implementation.
- 7) System Improvement. The MHD will keep a log of each MHSA issue filed and its disposition. The log will be used to develop the Annual MHSA Issues Report, which will comply with all applicable privacy and confidentiality regulations. Annually, the report will be used to report on the aggregate number and types of issues that had been filed, identify trends and develop recommendations for improving MHSA community program planning, service access, use of funds & consistency between program implementation and approved plans. Specific issues will not be discussed.

# MHTA IRP Flow Chart

5/23/2011

