
AGENDA ITEM: Presentation: DMH Proposed MHSA Issue Resolution Process

- ENCLOSURES:**
- Proposed DMH MHSA Issue Resolution Process, Updated 1/22/09
 - Interim MHSA Issue Resolution Process flowchart, updated November 14, 2008

OTHER MATERIAL RELATED TO ITEM:

Issue:

This presentation will provide an overview of the activities of a work group convened by the Department of Mental Health (DMH) over the last year to develop a proposed "Issue Resolution Process" for filing and resolving issues related to the MHSA, including the planning process, access to services, and consistency between program implementation and approved plans.

Currently, the DMH, the MHSOAC and the CMHPC have received inquiries and some complaints from stakeholders throughout California as their counties begin to implement the MHSA. Many of these complaints appear to involve issues with the community program planning process; others include complaints about access to services. The DMH is currently processing these issues based on an interim process.

The attached draft flow chart illustrates the DMH interim MHSA issue resolution process:

- Once the DMH receives an issue, it determines if it is MHSA-related. If not, the issue filer is referred to the appropriate entity (e.g., Medi-Cal services would go to the Ombudsman.)
- DMH asks the issue filer if they used the local process; if not, they are referred back to their county. However, any individual can request anonymity at this point.
- DMH notifies the county and obtain its statement and its disposition of the issue
- DMH reviews the issue to determine if county actions were consistent with MHSA regulations, statutes or agreements. If not, DMH asks the county how it intends to resolve the issue. A corrective action plan may be issued.
- At the end of the process, DMH notifies all parties of the resolution

Background:

In early 2008, the DMH invited representatives from the MHSOAC, the California Mental Health Planning Council (CMHPC), the California Association of Local Mental Health Boards and Commissions (CALMHBC), the California Mental Health Directors Association (CMHDA), and other stakeholders to develop a proposed process for

Background (cont'd):

answering and investigating complaints from stakeholders during the development and implementation of their county's MHSA components.

The Welfare and Institutions Code (WIC) includes language authorizing the MHSOAC and the CMHPC to refer these issues to the DMH for resolution:

MHSOAC:

WIC 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.

WIC Section 5655:

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 and 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...*

CMHPC:

WIC Section 5772(d):

When appropriate, make a finding pursuant to Section 5655 that a county's performance is failing in a substantive manner. The State Department of Mental Health shall investigate and review the finding

WIC Section 5772(b)

Review whether the Department has followed its own issue resolution process if requested by an Issue Filer

Next Steps:

DMH will conduct a Webinar/conference call on April 2, 2009 to solicit input from stakeholders throughout California. Stakeholders will be able to submit questions or public comment before the Webinar and two weeks afterward. MHSOAC staff will participate on that call. After DMH reviews the stakeholder input, it will make changes as necessary and finalize the process. This process should be completed by Spring 2009.