

1 KAMALA D. HARRIS
Attorney General of California
2 PAUL REYNAGA
Supervising Deputy Attorney General
3 MELINDA VAUGHN
Deputy Attorney General
4 State Bar No. 120446
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-7873
7 Fax: (916) 324-5567
E-mail: Melinda.Vaughn@doj.ca.gov
Attorneys for Defendant

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 **EMILY Q., et al.,**

14 Plaintiffs,

15 v.

16 **DIANA BONTA, et al.,**

17 Defendant.

CV 98-4181 AHM (AJWx)

**DHCS' AND CDMH'S RESPONSE
PURSUANT TO DECEMBER 16,
2010 AND DECEMBER 21, 2010
ORDERS AND POINT NINE
TRANSITION PLAN**

[No hearing required]

Courtroom: 14

Judge: The Honorable A. Howard
Matz

22 Defendant David Maxwell-Jolly, Director of the Department of Health Care
23 Services (DHCS)¹, and the California Department of Mental Health (CDMH),
24 submit the following response to the Court's proposals outlined at the December
25

26
27 ¹ David Maxwell-Jolly is the successor in interest to Ms. Diana Bonta, and is
28 currently the Director of DHCS. DHCS was formerly known as the Department of
Health Services.

1 16, 2010 status conference, and pursuant to orders dated December 16, 2010
2 (Document No. No. 619), and December 21, 2010 (Document No. 618):

3 Once the Court terminates jurisdiction on May 6, 2011, the California
4 Department of Mental Health (CDMH) will assume the responsibilities currently
5 being performed by the Special Master, Richard Saletta. The specific activities that
6 CDMH is committed to completing are consistent with the schedule established by
7 the Nine Point Plan, and are discussed in detail in the attached report (Exhibit 1).

8 Because the Court has found that CDMH has implemented Points One through
9 Eight of the Nine Point Plan, the attached report and transition plan address the
10 responsibilities CDMH will assume in order to complete Point Nine of the Plan.
11 These include: certifying Mental Health Plans (MHPs) as having completed their
12 respective requirements as described in the Emily Q. Settlement Plan; supporting
13 MHPs that are making progress toward achieving the four percent Therapeutic
14 Behavioral Services (TBS) utilization rate; reviewing previously certified MHPs;
15 imposing corrective measures and remedies; and reviewing and revising the TBS
16 plan. (Attached as Exhibit 2 is the most recent data from CDMH regarding
17 utilization rates.)

18 As a result of the Nine Point Plan, TBS has become a stronger core business
19 function of CDMH. State employees and management have been identified to
20 assume the responsibilities of this plan. Best practices have been established that
21 will ensure the continued progress and growth of TBS following the termination of
22 jurisdiction.

23 Although CDMH has committed to specific plans and procedures for transfer
24 of responsibility from the Special Master and for completion of Point Nine of the
25 Plan, there are emerging issues at both the state and local level that may affect
26 future efforts. In addition to budget deficits and reduced funding, which continue to
27 impact mental health programs and services throughout the state, the outcome of
28 recent administration changes is yet to be realized. However, despite numerous

1 variables and challenges in the months ahead, CDMH's commitment to create
2 accessible, effective and sustained TBS for children and their families in the Emily
3 Q. class remains steadfast. The Point 9 transition plan demonstrates the statewide
4 and MHPs' ability to continue to administer, monitor and improve this important
5 service for eligible children in California.

6 Dated: January 7, 2011

7 Respectfully submitted,

8 KAMALA D. HARRIS
9 Attorney General of California
10 PAUL REYNAGA
11 Supervising Deputy Attorney General

12 /s/

13 MELINDA VAUGHN
14 Deputy Attorney General
15 *Attorneys for Defendant*

16 LA1998CV1047
17 10643251.doc
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1



CDMH Response to the United States District Court, Central District of California: Point 9 Transition Plan

As ordered by the United States District Court, Central District of California, the California Department of Mental Health (CDMH) submits the following response to the Court's decision to extend jurisdiction to May 6, 2011, and the Special Master's appointment to April 30, 2011. Subsequent to the termination of court jurisdiction, CDMH is prepared to assume the responsibilities currently performed by the Special Master, Richard Saletta. Preceding termination of jurisdiction in May 2011, and during the transition period, the Special Master will continue to carry out his roles and responsibilities as set forth in the Nine Point Plan. The specific activities that CDMH is committed to performing consistent with the Nine Point Plan are discussed in this report.

Responsibility	Specifics	Timeline
CDMH Support to MHPs that are Making Progress Toward Certification		
Certification of MHPs	Upon termination of jurisdiction, CDMH will assume responsibility for certifying MHPs that have completed the requirements as described in the Emily Q. Nine Point Plan. CDMH shall maintain the TBS-equivalent effort following termination of jurisdiction and will work with the Special Master, Richard Saletta, between January and April 2011 to certify MHPs who have reached the 4% benchmark. CDMH has identified specific staff to assume the role of certification following termination of court jurisdiction. A checklist is currently being developed by CDMH based on criteria outlined in Information Notice 10-20 that will be used during the certification process.	Through June 30, 2012.

CDMH Response to the United States District Court, Central District of California: Point 9 Transition Plan

TBS Equivalent Services Reviews	Beginning in January 2011, the Special Master will train identified CDMH staff to perform TBS equivalent reviews. A licensed clinician, who will be either CDMH staff or a contractor, will participate in all reviews. If needed, CDMH plans to hire Steve Korosec, consultant to the Special Master, as a sub-contractor through APS Healthcare to assist CDMH in equivalency reviews. Mr. Korosec has participated in each of the equivalency reviews that have been completed thus far.	Through June 30, 2012.
Data Analysis	During the transition period from the Special Master to CDMH, the department will continue to work with APS to provide TBS data and maintain data dashboards. The current contract with APS is active through June 30, 2011 ¹ , at which time CDMH plans to extend the contract for an additional three years. Over the next several months, APS will train CDMH staff on specific data analysis pertaining to TBS. Additionally, the recently implemented CDMH Data Warehouse will result in timelier and more efficient extraction of claims data.	Through 2012.
TBS Trainings	CDMH will work with its contractors to provide TBS trainings as needed. All training information and training materials will be posted to the CDMH website.	Through June 30, 2012. Scheduled trainings include: San Diego County (January 31, 2011); Family and Youth Strategy Training (January 31, 2011); Stanislaus County (March 2011); Small County Strategy Training (April 2011). Planning efforts are on-going to develop a family and youth specific training to be scheduled later this year.
¹ In a previous report to the Court, CDMH erroneously stated that current contracts with APS and CIMH ended on December 31, 2011.		

CDMH Response to the United States District Court, Central District of California: Point 9 Transition Plan

Level II Counties Conference Call	CDMH will continue to hold the Level II Counties conference call on the second Thursday of each month. The call is a forum for counties to discuss TBS training needs, share success stories, ask questions and receive technical assistance from CDMH.	Monthly through June 30, 2012.
Corrective Measures and Remedies		
Site Visits	CDMH will closely monitor TBS utilization in all counties and continue to provide technical assistance to those counties who are underperforming or show a decrease in TBS utilization.	Site visits will be conducted on an as-needed basis. Currently, CDMH has site visits to two Central Valley counties scheduled for February 2011.
Review and Revision of the TBS Plan		
SuperTACT Meetings	CDMH will continue to hold the SuperTACT meetings at its headquarters in Sacramento on a monthly basis. Members of the Emily Q. Settlement Team have been invited to participate in these meetings as well, either in person or by phone.	Monthly through June 2012.

CDMH Response to the United States District Court, Central District of California: Point 9 Transition Plan

Case 2:98-cv-04181-AHM-AJW Document 622 Filed 01/07/11 Page 8 of 11 Page ID #:1516

<p>Family and Youth Strategy</p>	<p>CDMH will continue to work with its partners, the California Youth Empowerment Network (CAYEN), United Advocates for Children and Families (UACF), the California Alliance of Child and Family Services, the California Mental Health Directors Association (CMHDA), and parent partners to hold monthly conference calls with counties, providers, advocates, family members and youth. CAYEN and UACF will also be conducting monthly calls specifically for youth and families. In addition, CDMH will work with strategy partners to address family and youth training needs throughout the state.</p>	<p>Through June 30, 2012.</p>
<p>Small County Strategy</p>	<p>CDMH will continue to develop the Small County Strategy in partnership with Jaye Vanderhurst, Napa County Mental Health Director, and the CMHDA Small Counties Committee. A training for small counties is currently being planned and is tentatively scheduled for April 2011.</p>	<p>Through June 30, 2012.</p>
<p>Interagency Collaboration</p>	<p>CDMH is committed to continuing a collaborative relationship with CMHDA. During the last year, CMHDA rejoined the settlement team and is represented by Michael Kennedy, Mental Health Division Director, Sonoma County Department of Health Services. This partnership has led to improvement in the state-to-county relationship and communications, which CDMH is dedicated to maintaining.</p>	<p>Through 2012.</p>

CDMH Response to the United States District Court, Central District of California: Point 9 Transition Plan

Case 2:98-cv-04181-AHM-AJW Document 622 Filed 01/07/11 Page 9 of 11 Page ID #:1517

TBS Website Maintenance	CDMH will continue to maintain the TBS website by posting TBS news and updates, training materials and manuals, SuperTACT meeting minutes, Family and Youth Strategy conference call highlights and important information, frequently asked questions and data dashboards.	Through 2012.
TBS e-Newsletter	CDMH will continue to publish the TBS e-newsletter to highlight county successes, certification status, training updates and TBS news. The e-newsletter will be posted to the TBS website, as well as electronically sent to more than 300 TBS subscription list members.	Bi-monthly through 2012.
TBS Documentation Manual and Coordination of Care Best Practices Manual	On an annual basis, and in conjunction with the audit protocol, CDMH will review both the Documentation Manual and the Coordination of Care Best Practices Manual and revise as necessary. CDMH will collaborate on revisions with the SuperTACT team and the statewide Coordination of Care Team, which includes individuals from other state agencies, counties, providers, advocates and representatives from education, probation and juvenile justice.	Annually through 2012.
TBS Email Address	CDMH will continue to maintain the tbs@dmh.ca.gov email address, devoted specifically to TBS. CDMH will track all emails received to the TBS inbox and update the Frequently Asked Questions section of the website based on inquiries received from stakeholders and the public.	Through 2012.

EXHIBIT 2

TBS Clients and Dollars by County													
Data as of 11/30/2010 Updated on 12/21/10													
County	FY 08-09					FY 09-10							
	EPSDT Clients	TBS Clients	% TBS of EPSDT Clients	4 % Target	Dollars	EPSDT Clients	TBS Clients	TBS Equivalent Services	Total TBS and Equivalent Services	% of TBS and Equivalent Services of EPSDT Clients	4 % Target	TBS Needed to Meet Target	Dollars
0 TOTAL	205,111	4,208	2.05%	8,204	\$62,885,888	204,572	5,049	1,156	6,205	3.03%	8,183	1,978	\$66,160,520
1 ALAMEDA	8,994	165	1.83%	360	\$1,945,080	9,456	254		254	2.69%	378	124	\$2,420,304
2 ALPINE	9	0	0.00%	0	\$0	9	0		0	0.00%	0	0	\$0
3 AMADOR	116	0	0.00%	5	\$0	121	1		1	0.83%	5	4	\$3,983
4 BUTTE	2,278	49	2.15%	91	\$777,407	2,322	62		62	2.67%	93	31	\$1,252,979
5 CALAVERAS	202	6	2.97%	8	\$50,602	212	3		3	1.42%	8	5	\$24,480
6 COLUSA	196	0	0.00%	8	\$0	186	0		0	0.00%	7	7	\$0
7 CONTRA COSTA	4,661	291	6.24%	186	\$5,158,527	4,918	294		294	5.98%	197	-97	\$5,751,727
8 DEL NORTE	398	0	0.00%	16	\$0	372	5		5	1.34%	15	10	\$72,035
9 EL DORADO	823	6	0.73%	33	\$36,138	824	4		4	0.49%	33	29	\$53,852
10 FRESNO	6,371	98	1.54%	255	\$1,251,220	5,886	112		112	1.90%	235	123	\$1,503,712
11 GLENN	254	6	2.36%	10	\$136,995	265	7		7	2.64%	11	4	\$45,424
12 HUMBOLDT	1,123	19	1.69%	45	\$728,977	1,101	15		15	1.36%	44	29	\$281,422
13 IMPERIAL	1,828	0	0.00%	73	\$0	1,910	12		12	0.63%	76	64	\$78,456
14 INYO	140	0	0.00%	6	\$0	122	1		1	0.82%	5	4	\$1,535
15 KERN	6,589	26	0.39%	264	\$329,416	6,401	44	31	75	1.17%	256	181	\$433,278
16 KINGS	1,048	6	0.57%	42	\$93,539	892	5		5	0.56%	36	31	\$40,111
17 LAKE	524	6	1.15%	21	\$24,236	304	6		6	1.97%	12	6	\$72,694
18 LASSEN	297	0	0.00%	12	\$0	256	1		1	0.39%	10	9	\$2,283
19 LOS ANGELES	68,372	1,261	1.84%	2,735	\$21,132,750	67,776	1,364	543	1,907	2.81%	2,711	804	\$21,742,142
20 MADERA	996	10	1.00%	40	\$147,936	635	5		5	0.79%	25	20	\$40,759
21 MARIN	634	10	1.58%	25	\$116,940	560	9	30	39	6.96%	22	-17	\$131,585
22 MARIPOSA	120	0	0.00%	5	\$0	124	1		1	0.81%	5	4	\$22,627
23 MENDOCINO	1,017	23	2.26%	41	\$177,787	1,041	24		24	2.31%	42	18	\$309,030
24 MERCED	958	3	0.31%	38	\$63,921	976	8		8	0.82%	39	31	\$74,171
25 MODOC	87	0	0.00%	3	\$0	89	0		0	0.00%	4	4	\$0
26 MONO	51	0	0.00%	2	\$0	56	0		0	0.00%	2	2	\$0
27 MONTEREY	2,226	25	1.12%	89	\$436,695	1,976	42		42	2.13%	79	37	\$681,790
28 NAPA	488	10	2.05%	20	\$64,122	511	23		23	4.50%	20	-3	\$334,783
29 NEVADA	434	5	1.15%	17	\$14,619	471	5		5	1.06%	19	14	\$57,333
30 ORANGE	9,732	271	2.78%	389	\$1,889,744	9,408	287	197	484	5.14%	376	-108	\$2,113,749
31 PLACER/SIERRA	907	13	1.43%	35	\$115,011	733	19		19	2.59%	29	10	\$124,032
32 PLUMAS	131	0	0.00%	5	\$0	137	0		0	0.00%	5	5	\$0
33 RIVERSIDE	8,269	195	2.36%	331	\$4,412,763	8,096	213		213	2.63%	324	111	\$5,304,186
34 SACRAMENTO	10,601	308	2.91%	424	\$2,060,477	9,805	321	120	441	4.50%	392	-49	\$2,423,779
35 SAN BENITO	304	4	1.32%	12	\$73,226	254	0		0	0.00%	10	10	\$0
36 SAN BERNARDINO	12,285	135	1.10%	491	\$2,300,169	11,813	255		255	2.16%	473	218	\$2,455,995
37 SAN DIEGO	14,038	233	1.66%	562	\$2,022,595	13,559	419	113	532	3.92%	542	10	\$3,628,143
38 SAN FRANCISCO	3,458	91	2.63%	138	\$971,388	3,328	120	92	212	6.37%	133	-79	\$1,375,160
39 SAN JOAQUIN	2,944	32	1.09%	118	\$585,708	2,609	28		28	1.07%	104	76	\$382,671
40 SAN LUIS OBISPO	1,295	67	5.17%	52	\$2,115,574	1,294	55		55	4.25%	52	-3	\$1,928,981
41 SAN MATEO	1,748	54	3.09%	70	\$540,972	1,659	53		53	3.19%	66	13	\$331,832
42 SANTA BARBARA	2,163	130	6.01%	87	\$2,394,189	2,034	121		121	5.95%	81	-40	\$2,235,478
43 SANTA CLARA	5,486	306	5.58%	219	\$3,512,378	5,549	333		333	6.00%	222	-111	\$3,676,046
44 SANTA CRUZ	1,676	12	0.72%	67	\$165,505	1,604	12	30	42	2.62%	64	22	\$203,604
45 SHASTA	1,745	22	1.26%	70	\$342,345	1,579	22		22	1.39%	63	41	\$247,011
47 SISKIYOU	655	13	1.98%	26	\$553,659	650	11		11	1.69%	26	15	\$545,437
48 SOLANO	1,625	19	1.17%	65	\$343,731	1,588	27		27	1.70%	64	37	\$476,481
49 SONOMA	1,121	12	1.07%	45	\$127,575	1,250	30		30	2.40%	50	20	\$174,403
50 STANISLAUS	3,814	60	1.57%	153	\$605,902	3,930	82		82	2.09%	157	75	\$811,703
51 SUTTER/YUBA	1,138	5	0.44%	46	\$22,574	1,185	6		6	0.51%	47	41	\$33,524
52 TEHAMA	622	3	0.48%	25	\$20,118	561	7		7	1.25%	22	15	\$210,151
53 TRINITY	143	0	0.00%	6	\$0	98	0		0	0.00%	4	4	\$0
54 TULARE	4,724	13	0.28%	189	\$163,099	4,831	74		74	1.53%	193	119	\$845,893
55 TUOLUMNE	342	0	0.00%	14	\$0	221	2		2	0.90%	9	7	\$19,191
56 VENTURA	3,020	200	6.62%	121	\$4,534,108	2,705	178		178	6.58%	108	-70	\$1,084,234
57 YOLO	691	16	2.32%	28	\$326,172	646	13		13	2.01%	26	13	\$96,546

Preliminary Data: Further analysis will be needed by CDMH.

9 Level II, 1 Level I are over the 4% Benchmark with equivalency and TBS.

12 Level II are between 2%-4% TBS, Three counties received TBS Equivalent Reviews Los Angeles, San Diego and Santa Cruz.