

Attachment D

Sample Letter to County Child Welfare/Social Services Agency or Dependency Court Explaining MOU Requirements and Draft MOU Language

Dear (County Child Welfare/Social Services Agency or Dependency Court)

On May 10, 2001, a judgment and permanent injunction in Emily Q. v. Bontá (C.D.Cal., 2001, CV 98-4181 AHM (AIJx)) was issued. This lawsuit pertains to the responsibility of county Mental Health Plans (MHPs) to determine the need for, ensure access to and provide or arrange for the provision of Therapeutic Behavioral Services (TBS) as a Medi-Cal Early and Periodic, Screening, Diagnosis and Treatment (EPSDT) supplemental specialty mental health service. This service is available for full-scope Medi-Cal beneficiaries under 21 years of age, who meet MHP medical necessity criteria, are a member of the certified class and meet the service necessity criteria for TBS established by the State.

The permanent injunction includes the requirement that the MHPs provide notices regarding EPSDT mental health services in general and TBS in particular, to “beneficiaries, at least one adult who is a de facto or legally authorized representative of the child, dependency courts where applicable, and dependency attorneys who represent beneficiaries in dependency proceedings.” In order to comply with this requirement in the most efficient manner, the court has ordered that MHPs attempt to develop a Memorandum of Understanding (MOU) with the local child welfare agency. The purpose of the MOU is to ensure that copies of the EPSDT and TBS notices are attached to the initial court documents submitted for the initial hearing for all children. A copy of each of the required notices is attached for your information.

Therefore, the (county name) MHP is requesting [choose (1) or (2)] (1) that the following language be added to the existing MOU between the county mental health department and the local child welfare agency: (2) that an MOU be created between the county mental health department and the local child welfare agency containing the following language:

“In order to assist the (county name) mental health plan in complying with legal requirements of Emily Q. v. Bontá, the (name of local child welfare agency) will include a copy of the brochure describing the Early and Periodic Screening, Diagnosis, and Treatment program entitled “Medi-Cal Services for Children and Young People: Early and Periodic Screening, Diagnosis, and Treatment Mental Health Services” (MC Information Notice 003 [6/01]) dated May 2001 and a copy of the Therapeutic Behavioral Services notice entitled “Medi-Cal Services for Children and Young People: Therapeutic Behavioral Services” dated November 2001 in the initial court documents filed for all children in dependency

proceedings. It is the responsibility of (name of county MHP) to make sufficient numbers of these notices available to the child welfare agency at all times. The child welfare agency will advise the MHP when additional copies of notices are needed.”

Your assistance in this matter will be greatly appreciated. Please contact (county contact person) at (phone number) to discuss finalizing the MOU language or to discuss any questions you may have with this request.

Sincerely,

MHP Representative
Title

Enclosures