



July 26, 2024

THIS LETTER SENT VIA EMAIL TO: ABurrowes@kernbhhs.org

Ms. Alison Burrowes, MA, LCSW, Director
Kern Behavioral Health & Recovery Services
P.O. Box 1000
Bakersfield, CA 93302-1000

SUBJECT: ANNUAL COUNTY COMPLIANCE SECTION DMC-ODS FINDINGS
REPORT

Dear Director Burrowes:

The Department of Health Care Services (DHCS) is responsible for monitoring compliance to requirements of the Drug Medi-Cal Organized Delivery System (DMC-ODS) Intergovernmental Agreement operated by Kern County.

The County Compliance Section (CCS) within Audits and Investigations (A&I) of DHCS conducted a review of the County's compliance with Federal and State regulations, program requirements and contractual obligations based on supporting documentation and interviews with County staff. Enclosed are the results of Kern County's Fiscal Year (FY) 2023-24 DMC-ODS compliance review. The report identifies deficiencies, advisory recommendations, and referrals for technical assistance.

Kern County is required to submit a Corrective Action Plan (CAP) addressing each compliance deficiency (CD) noted to DHCS' Medi-Cal Behavioral Health – Oversight and Monitoring Division (MCBH-OMD), County/Provider Operations and Monitoring Branch. For questions regarding the CAP process and submitting documentation, email your questions to MCBHOMDMonitoring@dhcs.ca.gov.

If you have any questions, please contact me at michael.bivians@dhcs.ca.gov.

Sincerely,

Michael Bivians | Unit Chief

Distribution:

To: Director Burrowes,

Cc: Mateo Hernandez, Chief
Contract and Enrollment Review Division - Audits and Investigations

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MCBHOMDMonitoring@dhcs.ca.gov, County/Provider Operations and
Monitoring Branch

Crystal Barboza, Kern Behavioral Health & Recovery Services, Quality
Improvement Division, Planning Analyst

COUNTY REVIEW INFORMATION

County:

Kern

County Contact Name/Title:

Crystal Barboza, Planning Analyst

County Address:

3300 Truxton Ave. Suite 320
Bakersfield, CA 93301

County Phone Number/Email:

(661) 421-1320
CBarboza@kernbhhs.org

Date of DMC-ODS Implementation:

2/01/2019

Date of Review:

1/04/2024

Lead CCM Analyst:

Michael Bivians

Assisting CCM Analysts:

Jonette La Rue
John Wiesner

Report Prepared by:

Michael Bivians

Report Approved by:

Ayesha Smith

REVIEW SCOPE

I. Regulations:

- a. California Code of Regulations, Title 22, section 51341.1, 51490.1 and 51516.1 – Drug Medi-Cal Substance Use Disorder Services
- b. California Code of Regulations, Title 9, Division 4: Department of Alcohol and Drug Programs
- c. Health and Safety Code, Division 10.5, Section 11750 – 11970: Alcohol and Drug Programs
- d. Welfare and Institutions Code, Division 9, Part 3, Chapter 7, Sections 14000, et seq.; 14100.2, 14021, 14021.51-14021.53, 14021.6, and 14124.20-14124.25, 14184.402, 14059.5: Basic Health Care – Drug Medi-Cal Treatment Program

II. Program Requirements:

- a. Fiscal Year (FY) 2022-23 DMC-ODS Intergovernmental Agreement (IA)
- b. State of California *Adolescent Best Practices Guidelines October 2020*
- c. DHCS' *Perinatal Practice Guidelines FY 2018-19*
- d. DHCS' *Minimum Quality Drug Treatment Standards (Document 2F(a))*
- e. National Culturally and Linguistically Appropriate Services (CLAS)
- f. Mental Health and Substance Use Disorders Services (MHSUDS) Information Notices
- g. Behavioral Health Information Notices (BHIN)

ENTRANCE AND EXIT CONFERENCE SUMMARIES

Entrance Conference:

An Entrance Conference was conducted via Teams on 1/4/2024. The following individuals were present:

- Representing DHCS:
Michael Bivians, County Compliance Monitoring 2 (CCM2) Unit Chief
Jonette La Rue, CCM2 Health Program Specialist I (HPSI)
John Wiesner, CCM2 HPSI
Amy Osuna, County/Provider Operations and Monitoring Branch (CPOMB) Unit Chief
Everardo Vega, CPOMB Liaison
- Representing Kern County:
Ana Olvera, Kern Behavioral Health & Recovery Services (BHRS) System Administrator
Alison Burrowes, Kern BHRS Director
Crystal Barboza, Kern BHRS Planning Analyst
Jessica Armstrong, Kern BHRS Deputy Director
Robin Taylor, Kern BHRS Deputy Director
Myeisha Dhillon, Kern BHRS Coordinator of Admin & Legislative Analysis
Rachelle Hunt, Kern BHRS Technology Services Manager
Louis Groce, Kern BHRS Public Information Officer
Amber Lopez, Kern BHRS Planning Program Supervisor
Donna Robinson, Kern BHRS Unit Supervisor I
Candee Del Rio, Kern BHRS Finance Manager
Lesleigh Davis, Kern BHRS System Administrator
Melanie McIntyre, Kern BHRS EHR Supervisor
Michelle Culy, Kern BHRS System Administrator
Heather Hornibrook, Kern BHRS System Administrator

During the Entrance Conference, the following topics were discussed:

- Introductions
- Overview of review process
- Overview of services provided

Exit Conference:

An Exit Conference was conducted via Teams on 1/4/2024. The following individuals were present:

- Representing DHCS:
Michael Bivians, CCM2 Unit Chief
Jonette La Rue, CCM2 HPSI
John Wiesner, CCM2 HPSI
Amy Osuna, CPOMB Unit Chief
Everardo Vega, CPOMB Liaison

- Representing Kern County:
Ana Olvera, Kern BHRS System Administrator
Alison Burrowes, Kern BHRS Director
Crystal Barboza, Kern BHRS Planning Analyst
Jessica Armstrong, Kern BHRS Deputy Director
Robin Taylor, Kern BHRS Deputy Director
Myeisha Dhillon, Kern BHRS Coordinator of Admin & Legislative Analysis
Rachelle Hunt, Kern BHRS Technology Services Manager
Louis Groce, Kern BHRS Public Information Officer
Amber Lopez, Kern BHRS Planning Program Supervisor
Donna Robinson, Kern BHRS Unit Supervisor I
Candee Del Rio, Kern BHRS Finance Manager
Lesleigh Davis, Kern BHRS System Administrator
Melanie McIntyre, Kern BHRS EHR Supervisor
Michelle Culy, Kern BHRS System Administrator
Heather Hornibrook, Kern BHRS System Administrator

During the Exit Conference, the following topics were discussed:

- Submitting follow-up evidence
- Due date for evidence submission

SUMMARY OF FY 2023-24 COMPLIANCE DEFICIENCIES (CD)

| <u>Category</u> | <u>Number of CDs</u> |
|---|-----------------------------|
| 1.0 Availability of DMC-ODS Services | 1 |
| 2.0 Care Coordination | 0 |
| 3.0 Quality Assurance and Performance Improvement | 0 |
| 4.0 Access and Information Requirements | 0 |
| 5.0 Coverage and Authorization of Services | 0 |
| 6.0 Beneficiary Rights and Protections | 0 |
| 7.0 Program Integrity | 0 |

CORRECTIVE ACTION PLAN (CAP)

Pursuant to the Intergovernmental Agreement, Exhibit A, Attachment I, Part III, Section QQ each CD identified must be addressed via a CAP.

Your CPOMB liaison manages the progress of CAP completion.

For questions regarding the CAP form and instructions on how to complete the FY 2023-24 CAP, please email MCBHOMDMonitoring@dhcs.ca.gov.

Category 1: AVAILABILITY OF DMC-ODS SERVICES

A review of the County's records, service providers, referrals, services, contracts, and general provisions was conducted to ensure compliance with applicable Federal and State regulations, program requirements, and contractual obligations. The following deficiency was identified:

COMPLIANCE DEFICIENCY:

CD 1.4.23:

DMC-ODS Contract, Exhibit A Attachment I, Section III Program Specifications, J, 4-5, 1-ii

1. The Contractor may contract individually with LPHAs to provide DMC-ODS services in the network.
2. The Contractor shall have a protest procedure for providers that are not awarded a subcontract. The Contractor's protest procedure shall ensure that:
 - i. Providers that submit a bid to be a subcontracted provider, but are not selected, shall exhaust the Contractor's protest procedure if a provider wishes to appeal to DHCS.
 - ii. If the Contractor does not render a decision within 30 calendar days after the protest was filed with the Contractor, then the protest shall be deemed denied and the provider may appeal the failure to DHCS.

DMC-ODS Contract, Exhibit A Attachment I, Section III Program Specifications, FF, 1

1. The Contractor shall serve providers that apply to be a DMC-ODS contract provider but are not selected a written decision including the basis for the denial. Any solicitation document utilized by the Contractor for the selection of DMC providers must include a protest provision. The Contractor shall have a protest procedure for providers that are not awarded a contract. The protest procedure shall include requirements outlined in Article III.J.5 of this Agreement. Providers that submit a bid to be a contract provider, but are not selected, must exhaust the Contractor's protest procedure if a provider wishes to challenge the denial to DHCS. If the Contractor does not render a decision within 30 calendar days after the protest was filed with the Contractor, the protest shall be deemed denied and the provider may appeal the failure to DHCS. A provider may appeal to DHCS as outlined in Enclosure 4 of BHIN 21-075.

Findings: The Plan provided evidence it has a protest procedure for providers that are not awarded a subcontract. However, the protest procedure does not ensure that:

- Providers that submit a bid to be a subcontracted provider, but are not selected, shall exhaust the Contractor's protest procedure if a provider wishes to appeal to DHCS.
- If the Contractor does not render a decision within 30 calendar days after the protest was filed with the Contractor, then the protest shall be deemed denied and the provider may appeal the failure to DHCS.

TECHNICAL ASSISTANCE

Kern County did not request technical assistance during the compliance review.