

§ Section 25. Delegation of Approval Task

(a) Except for mental health programs operated by a county, the Department may, upon the request of a county, delegate to that county's Mental Health Plan the approval task for mental health programs within the Mental Health Plan's county borders or, in the case of counties acting jointly pursuant to Welfare and Institutions Code section 14712, the Mental Health Plan counties' borders.

(1) Delegates shall process applications for mental health program approval from all licensed short-term residential therapeutic programs within its county or counties' borders whether or not the delegate has a contract with the short-term residential therapeutic program to serve the delegate's Medi-Cal beneficiaries.

(2) Mental Health Plans shall not have delegate authority over mental health programs located at short-term therapeutic programs outside of its county or counties' borders.

(b) At any time, a county may request that the Department delegate the mental health program approval task to its Mental Health Plan by completing and sending DHCS Form _____ to the Department by certified mail or to STRTP@dhcs.ca.gov.

(c) Before approving a delegation request, the Department may ask a county to submit additional information.

(d) Upon approval of the county's request for the delegation of the mental program approval task, the Department shall issue a written Notice of Approval delegating the mental health program approval task to the Mental Health Plan containing, at a minimum, the date that the delegation becomes effective.

(e) An approved delegate shall have and maintain adequate staffing to carry out the mental health program approval task and duties.

(1) If due to an emergency a delegate county is unable to perform its responsibilities for the mental health program approval task, the delegate may seek the Department's assistance with carrying out the mental health program approval task in the delegate county. Qualifying emergencies shall include, but are not limited to; natural and manmade disaster and elimination of positions responsible for the mental health program approval task, but does not include vacancies in positions responsible for the mental health program approval task.

(2) On a monthly basis the delegate shall keep the department apprised of the resolution of the emergency, including when the delegate will be able to resume the delegation of the approval task.

(3) If the delegate determines that it will be unable to resume the mental health program approval task and associated duties after a period of six (6) months, the Department shall rescind the delegation of the approval task.

(4) If the delegate determines that it will be able to resume the approval task, the delegate may submit a new request for delegation of the approval task.

(e) The delegation of the mental health program approval task shall be for an indefinite period of time, subject to rescission and relinquishment.

(g) (1) The delegate may submit a written request to the Department to relinquish its delegate role.

(2) The Department may rescind the delegation of the approval task to a mental health plan at any time with or without providing justification.

(3) In the event that the Department rescinds a delegation or a delegate requests to relinquish, the Mental Health Plan and the Department shall cooperate to transfer all mental health program approval files and engage in any activities necessary to ensure a smooth transition. Once the Department determines that the transition process is complete, it shall issue a Notice of Termination of Delegation with an effective date ending the delegation of the mental health program approval task.

(h) The delegate shall oversee and enforce compliance with all mental health program standards, except through the imposition of monetary penalties. The Department does not delegate its authority to impose monetary penalties. Delegates shall refer all matters that may warrant imposition of monetary penalties to the Department within 30 calendar days of identification.

(i) The delegate shall comply with the following requirements:

(1) Within five (5) business days of issuance, send to the Department and the California Department of Social Services via certified mail, email, or fax, a copy of the mental health program approval, denial, renewal, non-renewal, probation, suspension or revocation of any approval, on-site review report, notice of noncompliance, imposition of sanctions, and flexibility decisions.

(2) Submit documents or any other official communication upon a request by the Department.

(3) Maintain a file for each mental health program at a short-term residential therapeutic program. The file shall contain all documents submitted to the delegate by the short-term residential therapeutic program pursuant to these regulations. The file shall contain all documents issued to the mental health program by the delegate

pursuant to these regulations. The file shall contain all documents from the Department with regard to the mental health program.

The delegate shall:

(A) Retain a complete file for all facilities with an active mental health program approval.

(B) Retain complete files for denied applications and closed mental health programs for a period of ten years.

(4) The delegate shall consult telephonically or in writing with the Department prior to denying an application or imposing sanctions pursuant to section 29. The delegate may consult with the Department prior to imposing sanctions pursuant to section 28. The delegate shall state the reasons for denying an application or imposing sanctions.

(5) Upon request, the delegate shall provide the Department with a tracking log of all approved, denied, revoked, suspended, and probationary mental health programs within 30 calendar days of the request.

(j) The Department may inspect or audit the delegate at any time to ensure compliance. The delegate shall submit any records, documents, and information requested by the Department within 30 days of the request.

(k) The Department shall have authority at any time to override a decision by a delegate, provide technical assistance, and direct a particular delegate action consistent with applicable policy guidance, regulations, and statutes.

(1) The delegate may request technical assistance and direction from the Department at any time.

(l) All counties shall satisfy inquiries of applicants regarding whether the mental health program approval task has been delegated or remains with the Department. The Department shall maintain a publicly available list of delegate counties on its website.

(1) In delegate counties, applicants and approved mental health programs shall direct all questions to the delegate.

(m) If a county that is not a delegate receives a mental health program application, the county shall immediately notify the mental health program that it is not a delegate, return the application to the applicant, and refer the applicant to the Department.