



July 26, 2024

THIS LETTER SENT VIA EMAIL TO: [ABurrowes@kernbhcs.org](mailto:ABurrowes@kernbhcs.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](mailto:MCBHOMDMonitoring@dhcs.ca.gov).

If you have any questions, please contact me at [michael.bivians@dhcs.ca.gov](mailto: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](mailto: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@kernbhrs.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)**

<b><u>Category</u></b>	<b><u>Number of CDs</u></b>
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](mailto: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.