



October 16, 2023

THIS LETTER SENT VIA EMAIL TO: sbaker@mariposacounty.org

Ms. Sheila Baker, Mental Health Director
Mariposa County Health & Human Services Agency
P.O. Box 99
Mariposa CA 95338

SUBJECT: ANNUAL COUNTY COMPLIANCE SECTION DMC FINDINGS REPORT

Dear Director Baker:

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

The County Compliance Section (CCS) within DHCS' Audits and Investigations (A&I) 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 Mariposa County's Fiscal Year (FY) 2023-24 DMC compliance review. The report identifies deficiencies, advisory recommendations, and referrals for technical assistance.

Mariposa 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 (CPOMB) Liaison by 12/15/2023. Please use the enclosed CAP form to submit the completed CAP and supporting documentation via the MOVEit Secure Managed File Transfer System. For instructions on how to submit to the correct MOVEit folder, email MCBHOMDMonitoring@dhcs.ca.gov.

If you have any questions, please contact me at becky.counter@dhcs.ca.gov.

Sincerely,

Becky Counter | County Compliance Monitoring II Analyst

County Compliance DMC Findings Report
Mariposa

Distribution:

To: Director Baker,

Cc: Mateo Hernandez, Audits and Investigations, Contract and Enrollment Review
Division Chief
Catherine Hicks, Audits and Investigations, Behavioral Health Compliance
Branch Chief
Ayesha Smith, Audits and Investigations, County Compliance Section Chief
Michael Bivians, Audits and Investigations, County Compliance Monitoring II
Chief
Cindy Berger, Audits and Investigations, Provider Compliance Section Chief
Sergio Lopez, County/Provider Operations and Monitoring Section I Chief
Tony Nguyen, County/Provider Operations and Monitoring Section II Chief
MCBHOMDMonitoring@dhcs.ca.gov, County/Provider Operations and
Monitoring Branch
Sylena Schendel, Mariposa County Administrative Analyst I

COUNTY REVIEW INFORMATION

County:

Mariposa

County Contact Name/Title:

Sylena Schendel, Administrative Analyst I

County Address:

5362 Lemee Lane
Mariposa CA 95338

County Phone Number/Email:

(209) 742-0823
sschendel@mariposacounty.org

Date of Review:

9/12/2023

Lead CCM Analyst:

Becky Counter

Assisting CCM Analyst:

N/A

Report Prepared by:

Becky Counter

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 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 WebEx on 9/12/2023. The following individuals were present:

- Representing DHCS:
Becky Counter, County Compliance Monitoring II (CCM II) Analyst
Michael Bivians, County Compliance Monitoring II (CCM II) Chief
- Representing Mariposa County:
Sheila Baker, Mental Health Director
Todd Davidson, Social Work Supervisor II
Sylena Schendel, Administrative Analyst I
Isaboe Hollis, Staff Services Analyst

During the Entrance Conference, the following topics were discussed:

- Introductions
- Overview of review process
- Overview of Mariposa County services provided.

Exit Conference:

An Exit Conference was conducted via WebEx on 9/12/2023. The following individuals were present:

- Representing DHCS:
Becky County, CCM II Analyst
- Representing Mariposa County:
Todd Davidson, Social Work Supervisor II
Sylena Schendel, Administrative Analyst I
Sheila Baker, Mental Health Director

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 Services	1
2.0 Care Coordination	0
3.0 Quality Assurance and Performance Improvement	4
4.0 Access and Information Requirements	1
5.0 Coverage and Authorization of Services	1
6.0 Beneficiary Rights and Protections	2
7.0 Program Integrity	0

Category 1: AVAILABILITY OF DMC 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 1.4.6:

DMC Contract, Exhibit A, Attachment I, Part II General, E

Counselor Certification

Any counselor or registrant providing intake, assessment of need for services, treatment or recovery planning, individual or group counseling to participants, patients, or residents in a DHCS licensed or certified program is required to be registered or certified as defined in Title 9, Division 4, Chapter 8 (Document 3H).

Findings: The County did not ensure it provides evidence of practice, or an effective tracking mechanism used to ensure County and subcontractor counselors are certified and re-certified timely as defined in CCR, Title 9, Division 4, Chapter 8.

Category 3: QUALITY ASSURANCE AND PERFORMANCE IMPROVEMENT

A review of the County's Quality Assurance and Performance Improvement program was conducted to ensure compliance with applicable Federal and State regulations, program requirements, and contractual obligations. The following deficiencies were identified:

COMPLIANCE DEFICIENCIES:

CD 3.2.3:

DMC Contract, Exhibit A, Attachment I, Part I, Section 3 DMC Certification and Continued Certification, A, 4, c

The Contractor's subcontracts shall require that providers comply with the following regulations and guidelines, including, but not limited to:

Minimum Quality Treatment Standards, (Document 2F(a))

Minimum Quality Drug Treatment Standards Document 2F(a), A, 3 a-j

Written code of conduct for employees and volunteers/interns shall be established which addresses at least the following:

- a. Use of drugs and/or alcohol;
- b. Prohibition of social/business relationship with beneficiary's or their family members for personal gain;
- c. Prohibition of sexual contact with beneficiary's;
- d. Conflict of interest;
- e. Providing services beyond scope;
- f. Discrimination against beneficiary's or staff;
- g. Verbally, physically, or sexually harassing, threatening, or abusing beneficiary's, family members or other staff;
- h. Protection beneficiary confidentiality;
- i. The elements found in the code of conduct(s) for the certifying organization(s) the program's counselors are certified under; and
- j. Cooperate with complaint investigations.

Findings: The County did not provide evidence it ensures subcontractor staff sign a Code of Conduct that includes all required elements according to the Minimum Quality Drug Treatment Standards. The following required elements are missing, specifically:

- Use of drugs and/or alcohol.
- Prohibition of social/business relationship with clients or their family members for personal gain.
- Prohibition of sexual contact with beneficiaries.
- Conflict of interest.
- Providing services beyond scope.
- Discrimination against beneficiaries or staff.
- Verbally, physically, or sexually harassing, threatening, or abusing beneficiaries, family members or other staff.
- Protection of beneficiary confidentiality.
- Cooperation with complaint investigations.

CD 3.2.5:

DMC Contract, Exhibit A, Attachment I, Part I, Section 3 DMC Certification and Continued Certification, A, 4, c

The Contractor's subcontracts shall require that providers comply with the following regulations and guidelines, including, but not limited to:

Minimum Quality Treatment Standards, (Document 2F(a))

Minimum Quality Drug Treatment Standards Document 2F(a), A, 5

Written roles and responsibilities...for the medical director shall be clearly documented, signed and dated by a program representative and physician.

Findings: The County did not provide evidence that the County Medical Director's Roles and Responsibilities includes all required elements according to the Minimum Quality Drug Treatment Standards. The following required element is missing, specifically:

- Is signed and dated by a program representative.

CD 3.2.7:

DMC Contract, Exhibit A, Attachment I, Part I, Section 3 DMC Certification and

Continued Certification, A, 4, c

The Contractor's subcontracts shall require that providers comply with the following regulations and guidelines, including, but not limited to:
Minimum Quality Treatment Standards, (Document 2F(a))

Minimum Quality Drug Treatment Standards Document 2F(a), B, 1, a i-iv

Program Management

Admission or Readmission

Each program shall include in its policies and procedures written admission and readmission criteria for determining beneficiary's eligibility and suitability for treatment.

These criteria shall include, at minimum:

- i. DSM diagnosis;
- ii. Use of alcohol/drugs of abuse;
- iii. Physical health status; and
- iv. Documentation of social and psychological problems.

Findings: The County did not provide evidence that the policies and procedures include admission and readmission criteria for determining client's eligibility and suitability for treatment. Specifically, the following required elements are missing:

- Use of alcohol/drugs of abuse.
- Documentation of social and psychological problems.

CD 3.2.9:

DMC Contract, Exhibit A, Attachment I, Part I, Section 3 DMC Certification and Continued Certification, A, 4, c

The Contractor's subcontracts shall require that providers comply with the following regulations and guidelines, including, but not limited to:
Minimum Quality Treatment Standards, (Document 2F(a))

Minimum Quality Drug Treatment Standards Document 2F(a), B, 1, f, i

Copies of the following documents shall be provided to the beneficiary upon admission: Beneficiary rights, share of cost if applicable, notification of DMC funding accepted as payment in full, and consent to treatment.

Findings: The County did not provide evidence demonstrating subcontractor Aegis's compliance with ensuring required documents are provided to clients. The following required document was not provided to clients, specifically:

- Beneficiary Rights.

Category 4: ACCESS AND INFORMATION REQUIREMENTS

A review of the County's Access and Information Requirements was conducted to ensure compliance with applicable Federal and State regulations, program requirements, and contractual obligations. The following deficiency was identified:

COMPLIANCE DEFICIENCY:

CD 4.1.1:

DMC Contract, Exhibit A, Attachment I, Part II General, S

Nondiscrimination Notice, Nondiscrimination Statement, and Taglines (45 C.F.R. § 92.8)

1. The Contractor shall post a DHCS-approved nondiscrimination notice and language taglines in at least the top 16 non-English languages in the State (as determined by DHCS), as well as large print, explaining the availability of free language assistance services, including written translation and oral interpretation to understand the information provided, and the toll-free and TTY/TOY telephone number of the Contractor's member/customer service unit, as follows:
 - a) In all conspicuous physical locations where the Contractor interacts with the public.
 - b) In a conspicuous location on the Contractor's website that is accessible on the Contractor's home page, and in a manner that allows beneficiaries and prospective beneficiaries to easily locate the information.
 - c) In all significant communications and significant publications targeted to beneficiaries, enrollees, applicants, and members of the public, except for significant publications and significant communications that are small-sized, such as postcards and tri-fold brochures.
2. The Contractor shall post a DHCS-approved nondiscrimination statement and language taglines in at least the top two non-English languages in the State (as determined by DHCS), explaining the availability of free language assistance services, and the toll-free and TTY/TOY telephone number of the Contractor's member/customer service unit, as follows:
 - a) In all significant publications and significant communications that are small-sized, such as postcards and tri-fold brochures.
3. The Contractor's nondiscrimination notice, nondiscrimination statement, and language taglines must be in a conspicuously visible font size no smaller than 12 points. Any large print tagline required must be in a font size no smaller than 18 point and must include information on how to request auxiliary aids and services,

including the provision of the materials in alternative formats.

Findings: The County did not provide evidence it posted a DHCS-approved nondiscrimination notice and language taglines in at least the top 16 non-English languages in the State, as well as large print, explaining the availability of free language assistance services, including written translation and oral interpretation to understand the information provided, and the toll-free and TTY/TOY telephone number of the Contractor's member/customer service unit in all conspicuous physical locations where the Contractor interacts with the public.

The County did not provide evidence it posted a nondiscrimination statement and language taglines in at least the top two non-English languages in the State, explaining the availability of free language assistance services, and the toll-free and TTY/TOY telephone number of the Contractor's member/customer service unit in all significant publications and significant communications that are small-sized, such as postcards and tri-fold brochures.

Category 5: COVERAGE AND AUTHORIZATION OF SERVICES

A review of the County's Coverage and Authorization of Services was conducted to ensure compliance with applicable Federal and State regulations, program requirements, and contractual obligations. The following deficiency was identified:

COMPLIANCE DEFICIENCY:

CD 5.2.5:

BHIN 22-070

NOABD "Your Rights" Attachment

The "Your Rights" attachment is a new form that informs beneficiaries of critical appeal and State hearing rights. There are two types of "Your Rights" attachments. One accompanies the NOABD and the other accompanies the NAR. These attachments must be sent to beneficiaries with each NOABD or NAR.

Effective January 1, 2023, Counties shall utilize the revised NOABD templates and corresponding "Your Rights" attachments included in this BHIN, or the electronic equivalents of these templates and attachments generated from the County's Electronic Health Record System. The corresponding "Your Rights" attachments must be included when issuing a NOABD to a beneficiary. Counties shall not make any changes to the NOABD templates or "Your Rights" attachments without prior review and approval from DHCS, except to insert information specific to beneficiaries as required.

The "NOABD Your Rights" attachment provides beneficiaries with the following required information pertaining to NOABD:

1. The beneficiary's or provider's right to request an internal appeal with the County within 60 calendar days from the date on the NOABD;
2. The beneficiary's right to request a State hearing only after filing an appeal with the Plan and receiving a notice that the ABD has been upheld;
3. The beneficiary's right to request a State hearing if the County fails to send a resolution notice in response to the appeal within the required timeframe;
4. Procedures for exercising the beneficiary's rights to request an appeal;
5. Circumstances under which an expedited review is available and how to request it; and,
6. The beneficiary's right to have benefits continue pending resolution of the appeal

and how to request continuation of benefits.

Findings: The County did not provide evidence it utilizes the revised NOABD templates and corresponding “Your Rights” attachments included in BHIN 22-070.

Category 6: BENEFICIARY RIGHTS AND PROTECTIONS

A review of the County's Beneficiary Rights and Protections was conducted to ensure compliance with applicable Federal and State regulations, program requirements and contractual obligations. The following deficiencies were identified:

COMPLIANCE DEFICIENCIES:

CD 6.4.14:

BHIN 22-070

The NAR "Your Rights" attachment provides beneficiaries with the following required information pertaining to NAR:

1. The beneficiary's right to request a State hearing no later than 120 calendar days from the date of the Plan's written appeal resolution and instructions on how to request a State hearing; and,
2. The beneficiary's right to request and receive continuation of benefits while the State hearing is pending and instructions on how to request continuation of benefits, including the timeframe in which the request shall be made (i.e., within ten days from the date the letter was post-marked or delivered to the beneficiary).

Counties shall use the appropriate NAR form and "Your Rights" attachments contained in this BHIN to notify beneficiaries of their rights.

Findings: The County did not provide evidence it utilizes the revised NAR templates and corresponding "Your Rights" attachments included in BHIN 22-070.

CD 6.5.2:

DMC Contract, Exhibit A, Attachment I, Part II General, L, 12

Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR Part 2, Subparts A – E).

Findings: The County did not provide evidence demonstrating subcontractor compliance with Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR Part 2, Subparts A – E).

TECHNICAL ASSISTANCE

Mariposa County did not request Technical Assistance during this review.