MENTAL HEALTH SERVICES ACT ISSUE RESOLUTION PROCESS

This Mental Health Services Act (MHSA) Issue Resolution Process (IRP), developed in collaboration with various public mental health stakeholders, provides information regarding the resolution process to address local issues related to MHSA, access to services and MHSA requirements. The IRP is subject to revision as needed.

Local Issue Resolution Principles

Issues regarding the MHSA should initially be addressed at the local level[1]. The local process should be completed in an expedient manner, with decisions being consistent with MHSA statutes and regulations. General principles and processes for a local MHSA issue resolution process may include:

1. The right for an Issue Filer to bring an issue forward.
2. The review of an issue by an impartial body.
3. Written notification of the outcome to the Issue Filer.

Issues Appropriate for this Process

1. Access to mental health services.
2. Violation of statute or regulations relating to use of MHSA funds.
3. Non-compliance with the General Standards pursuant to California Code of Regulations, Title 9, Section 3320[2].
4. Inconsistency between the approved MHSA Plan and its implementation.
5. The local MHSA Community Program Planning Process.
6. Supplantation.

How to Submit an MHSA Issue

If the Issue Filer has exhausted his or her county's local issue resolution process,

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[1] As a general rule, DHCS will require that the local issue resolution process be accessed and exhausted but understands that, in some instances, this may not be possible. Each case will be reviewed accordingly.
[2] Community Collaboration, Cultural Competence, Client Driven, Family Driven, Wellness, Recovery, and Resilience Focused, and Integrated Service Experiences for clients and their families.

including the local mental health board[3], without satisfactory resolution, the following steps may be taken:

1. The Issue Filer may submit the MHSA issue in writing or by e-mail to the Department of Health Care Services (DHCS) at:

> Department of Health Care Services
> Community Services Division
> Attention: MHSA Issue Resolution Process
> 1501 Capitol Avenue, MS 2632
> P.O. Box 997413
> Sacramento, CA 95899-7413
> Email: mhsa@dhcs.ca.

2. The Issue Filer may also submit the MHSA issue to any of the following entities:
   - Mental Health Services Oversight and Accountability Commission (MHSOAC)
   - California Behavioral Health Planning Council
   - Any agency and/or entity the Issue Filer feels may assist in resolving the MHSA related issue.

3. The Issue Filer may authorize another person to act on his or her behalf in filing an MHSA issue. Due to confidentiality restrictions, DHCS and/or other agencies may be required to request a Release of Information from the Issue Filer allowing DHCS to share information with all appropriate parties, including the Issue Filer's representative. If the Issue Filer does not respond to a request for a Release of Information within 14 days, DHCS will close the case and notify all appropriate parties in writing.

DHCS Review Process

1. Within 10 business days of receipt of the letter, e-mail or phone call identifying the issue, DHCS will begin the review process, including determining the organization responsible for addressing the issue.

2. If the issue does not fall within the scope of the MHSA Issue Resolution Process, the issue will be referred to other resources such as Patient Rights, the Ombudsman, Medi-Cal, or other State and local resources. No further action will be taken. DHCS

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[3] In some instances, this may include communicating with the local mental health board. Welfare and Institutions Code Section 5848 provides for the board to conduct a public hearing on three-year plans and updates and provide recommendations to the county mental health department.

will send a letter or email to the Issue Filer summarizing the status and disposition of their issue.

3. If the MHSA issue does fall within the scope of the MHSA Issue Resolution Process, DHCS will contact the Issue Filer to obtain further information. DHCS may ask for documentation that the county issue resolution process was accessed and exhausted at the local level. As a general rule, DHCS will require that the local issue resolution process be accessed and exhausted but understands that, in some instances, this may not be possible. Each case will be reviewed and, as appropriate, DHCS will either continue to attempt to resolve the issue or refer the Issue Filer back to his or her county to address the MHSA issue.

4. The Issue Filer has the right to request anonymity and/or confidentiality. If this request is made, DHCS will continue to pursue a resolution with the appropriate parties, with the understanding that this may limit DHCS's effectiveness in resolving the MHSA issue.

5. DHCS will contact the county and obtain the status regarding the MHSA issue. DHCS will review the county's response, seek clarification and/or further information, if needed, from the involved parties and determine whether the county's action and response to resolving the issue was consistent with the MHSA regulations and statutes.

6. If the county's response to the MHSA issue is consistent with the MHSA regulations and statutes, DHCS will send a summary letter stating this determination to the Issue Filer and the county. At this point, DHCS has fulfilled its responsibilities and considers the issue resolution process to be complete.

   • If the Issue Filer disagrees with DHCS's determination, the Issue Filer will be urged to seek remedy through his or her local county mental health board. In addition, DHCS reserves the right to contact the MHSOAC to request county technical assistance regarding the MHSA issue that was raised.

7. If DHCS determines that the activity by the County was inconsistent with the MHSA regulations and/or statutes, DHCS will contact the Issue Filer and the county to determine next steps. As appropriate, DHCS will notify the MHSOAC, the local board

of supervisors and the local county mental health board of DHCS's determination. DHCS may participate to help resolve the issue.