

Attachment B: Timely Access Enforcement Actions

Annually, the Department of Health Care Services (DHCS) uses the Timely Access Data Tool (TADT) to monitor timely access compliance of county Mental Health Plans (MHPs) and Drug Medi-Cal Organized Delivery System (DMC-ODS) Plans (collectively referred to as “Behavioral Health Plans” or “BHPs”). DHCS annually calculates the rate of BHP compliance as part of the Annual Network Certification process.¹

DHCS may impose Corrective Action Plans (CAPs), sanctions, or both for non-compliance with timely access standards as established by federal or state law or regulation, DHCS contract, or the state plan.² Failure to resolve a CAP as reviewed and approved by DHCS, may result in additional CAPs, or the imposition of temporary withholds or monetary sanctions.³

For BHPs to comply with minimum performance levels (MPLs) for timely access, they must offer 80% of members appointments within the applicable timely access standards.⁴ Appointment categories for which BHPs must report timely access data to DHCS are set forth in BHIN 24-020 or its superseding guidance.⁵

For BHPs found in violation of the MPL for any of the reported appointment categories, DHCS will reference Table 1: Enforcement Tiers when determining what enforcement actions to take for violation of timely access requirements. DHCS will enforce network standards, and apply enforcement tiers, separately for SMHS and DMC-ODS services.

Table 1: Enforcement Tiers

Tier	Violation	Enforcement Actions
1	A. Failure to meet the MPL in one timely access appointment category, or B. Failure to submit the required timely access data tool (TADT) or to submit useable data via the TADT.	May include but are not limited to a CAP. Repeat violations of the same MPL categories may be subject to the next higher tier of enforcement actions, as described at left.
2	A. Failure to meet CAP requirements, or B. Failure to meet the MPL in two timely access appointment categories, or	May include, but are not limited to, a CAP, temporary withholding of funds, monetary sanctions, or any combination

¹ For additional information regarding the TADT and the Annual Network Certification Process, see BHIN 24-020 and subsequent guidance issued by DHCS on this topic.

² Welf. & Inst. Code, § 14197.7, subds. (e)(1), (e)(2), (e)(3), (e)(6), (o)(1)(A).

³ Welf. & Inst. Code, § 14197.7, subd. (e)(7); BHIN 23-006.

⁴ BHIN 24-020 at page 33. For the timely access standards, see pages 34-35 of BHIN 24-020 and subsequent guidance issued by DHCS on this topic.

⁵ The appointment categories are listed on pages 32-33.

Tier	Violation	Enforcement Actions
	<p>C. compliance rates of 60-69% in any category, or</p> <p>D. failure to meet the same MPL(s) in category A of Tier 1 for two consecutive annual network certification periods, or</p> <p>E. Continued failure to submit the TADT or submit useable data via the TADT.</p>	<p>of these actions. Repeat violations of the same MPL categories may be subject to the next higher tier of enforcement actions, as described at left, or increased withhold and/or sanction amounts.</p>
3	<p>A. Failure to meet CAP requirements, or</p> <p>B. Failure to meet the MPL in three or more timely access appointment categories, or</p> <p>C. compliance rates below 59% in any category, or</p> <p>D. failure to meet the same MPLs in category B of Tier 2 for two consecutive annual network certification periods, or</p> <p>E. Continued failure to submit the TADT or submit useable data via the TADT.</p>	<p>May include, but are not limited to, the enforcement actions of Tier 2, administrative sanctions, or any combination of these actions. Repeat violations of the same MPL categories may be subject to increased enforcement actions, which include increased withholds and/or monetary sanction amounts.</p>