



June 22, 2023

THIS LETTER SENT VIA EMAIL TO: tschirmer@marincounty.org

Mr. Todd Schirmer, Director
Marin County Health and Human Services
Behavioral Health and Recovery Services
10 North Pedro Road, Suite 1015
San Rafael, CA 94903

SUBJECT: ANNUAL COUNTY COMPLIANCE SECTION DMC-ODS FINDINGS REPORT

Dear Director Schirmer:

The Department of Health Care Services (DHCS) is responsible for monitoring compliance to the requirements of the Drug Medi-Cal Organized Delivery System (DMC-ODS) and the terms of the Intergovernmental Agreement operated by Marin County.

The County Compliance Section (CCS) within the Audits and Investigations Division (A&I) of DHCS conducted a review of the County's compliance with contract requirements based on responses to the monitoring instrument, discussion with county staff, and supporting documentation provided by the County. Enclosed are the results of Marin County's Fiscal Year 2022-23 DMC-ODS compliance review. The report identifies deficiencies, required corrective actions, advisory recommendations, and referrals for technical assistance.

Marin County is required to submit a Corrective Action Plan (CAP) addressing each compliance deficiency (CD) to the Medi-Cal Behavioral Health – Oversight and Monitoring Division (MCBH-OMD), County/Provider Operations and Monitoring Branch (CPOMB) Liaison by 8/22/2023. 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 | Analyst

Distribution:

To: Director Schirmer,

Cc: Mateo Hernandez, Audits and Investigations, Contracts 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 Monitoring Section I Chief
Tony Nguyen, County/Provider Operations Monitoring Section II Chief
MCBHOMDMonitoring@dhcs.ca.gov, County/Provider Operations and
Monitoring Branch
Catherine Condon, Marin County Behavioral Health and Recovery Services,
Division Director

COUNTY REVIEW INFORMATION

County:
Marin

County Contact Name/Title:
Catherine Condon, Behavioral Health and Recovery Services Division Director

County Address:
10 North San Pedro Road
San Rafael, CA 94903

County Phone Number/Email:
415-473-4218
CCondon@marincounty.org

Date of DMC-ODS Implementation:
4/1/2017

Date of Review:
4/26/2023

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. Special Terms and Conditions (STCs) for California Advancing & Innovating Medi-Cal (CalAIM) 1915(b) Waiver
 - b. Code of Federal Regulations, Title 42, Chapter IV, Subchapter C, Part 438; section 438.1 through 438.930: Managed Care
 - c. California Code of Regulations, Title 9, Division 4: Department of Drug and Alcohol Programs
 - d. California Health and Safety Code, Chapter 3 of Part 1, Division 10.5: Alcohol and Drug Programs
 - e. California Welfare and Institutions Code, Division 9, Part 3, Chapter 7, sections 14000 et seq., in particular but not limited to sections 14100.2, 14021, 14021.5, 14021.6, 14021.51-14021.53, 14124.20-14124.25, 14043, et seq., 14184.100 et seq. and 14045.10 et seq.: Basic Health Care
- II. Program Requirements:
 - a. Fiscal Year (FY) 2021-22 Intergovernmental Agreement (IA)
 - b. Fiscal Year (FY) 2022-23 Intergovernmental Agreement (IA)
 - c. Mental Health and Substance Use Disorders Services (MHSUDS) Information Notices
 - d. Behavioral Health Information Notices (BHIN)

ENTRANCE AND EXIT CONFERENCE SUMMARIES

Entrance Conference:

An Entrance Conference was conducted via WebEx on 4/26/2023. The following individuals were present:

- Representing DHCS:
Becky Counter, County Compliance Monitoring II (CCM II) Analyst
- Representing Marin County:
Catherine Condon, Behavioral Health and Recovery Services Division Director
Jordan Hall, Behavioral Health and Recovery Services Program Manager
Keely Martin, Behavioral Health and Recovery Services Department Analyst II
Mo DeNieva, Behavioral Health and Recovery Services Senior Program Coordinator
Cameron Henn, Behavioral Health and Recovery Services Program Coordinator
Charis Baz, Behavioral Health and Recovery Services Senior Department Analyst
Jackie Davis, Behavioral Health and Recovery Services Senior Program Coordinator
Michelle Nobori, Behavioral Health and Recovery Services Operations Director
Roxana Yekta, Behavioral Health and Recovery Services Senior Program Coordinator

During the Entrance Conference, the following topics were discussed:

- Introductions
- Overview of review process
- Marin County overview of services provided

Exit Conference:

An Exit Conference was conducted via WebEx on 4/26/2023. The following individuals were present:

- Representing DHCS:
Becky Counter, CCM II Analyst

- Representing Marin County:
Catherine Condon, Behavioral Health and Recovery Services Division Director
Jordan Hall, Behavioral Health and Recovery Services Program Manager
Keely Martin, Behavioral Health and Recovery Services Department Analyst II
Mo DeNieva, Behavioral Health and Recovery Services Senior Program Coordinator
Cameron Henn, Behavioral Health and Recovery Services Program Coordinator
Charis Baz, Behavioral Health and Recovery Services Senior Department Analyst
Jackie Davis, Behavioral Health and Recovery Services Senior Program Coordinator
Michelle Nobori, Behavioral Health and Recovery Services Operations Director
Roxana Yekta, Behavioral Health and Recovery Services Senior Program Coordinator

During the Exit Conference, the following topics were discussed:

- Submitting follow-up evidence
- Due date for evidence submission

SUMMARY OF FY 2022-23 COMPLIANCE DEFICIENCIES (CD)

<u>Section:</u>		<u>Number of CDs</u>
1.0	Availability of DMC-ODS Services	2
2.0	Coordination of Care Requirements	0
3.0	Quality Assurance and Performance Improvement	0
4.0	Access and Information Requirements	1
5.0	Beneficiary Rights and Protections	0
6.0	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. The CAP is due within sixty (60) calendar days of the date of this monitoring report.

Please provide the following within the completed FY 2022-23 CAP:

- a) A list of action steps to be taken to correct the CD.
- b) The name of the person who will be responsible for corrections and ongoing compliance.
- c) Provide a specific description on how ongoing compliance is ensured.
- d) A date of completion for each CD.

The CPOMB liaison will monitor progress of the CAP completion.

Category 1: AVAILABILITY OF DMC-ODS SERVICES

A review of the administrative trainings, policies and procedures was conducted to ensure compliance with applicable regulations, and standards. The following deficiencies in availability of DMC-ODS services were identified:

COMPLIANCE DEFICIENCIES:

CD 1.2.2:

Intergovernmental Agreement Exhibit A, Attachment I, III, J, 3

3. The Contractor shall only select providers that have a Medical Director who, prior to the delivery of services under this Agreement, has enrolled with DHCS under applicable state regulations, has been screened in accordance with 42 CFR 455.450(a) as a “limited” categorical risk within a year prior to serving as a Medical Director under this Agreement, and has signed a Medicaid provider agreement with DHCS as required by 42 CFR 431.107.

Findings: The Plan did not provide evidence to demonstrate that the Plan obtained and reviewed the required documentation to ensure that the subcontracted network provider La Familia only select providers that have a Medical Director who:

- Enrolled with DHCS under applicable state regulations.
- Screened as a “limited” categorical risk within a year prior to serving as a Medical Director.
- Signed a Medicaid provider agreement with DHCS.

CD 1.3.4:

Intergovernmental Agreement Exhibit A, Attachment I, III, MM, 3, ii, c

- c. The Contractor shall ensure that all personnel who provide WM services or who monitor or supervise the provision of such service shall meet additional training requirements set forth in BHIN 21-001 and its accompanying exhibits.

BHIN 21-001

Findings: The Plan did not provide evidence to demonstrate all personnel who provide Withdrawal Management (WM) services or who monitor or supervise the provision of such service meet the additional training set forth in BHIN 21-001, specifically;

- Certified in cardiopulmonary resuscitation;
- Certified in first aid;
- Trained in the use of Naloxone;
- Six (6) hours of orientation training for all personnel providing WM services, monitoring and supervising the provision of WM services;

- Repeated orientation training within 14-days for returning staff following a 180 continuous day break in employment;
- Eight (8) hours of training annually that covers the needs of residents who receive WM services;
- Training documentation must be maintained in personnel records; and
- Personnel training shall be implemented and maintained by the licensee pursuant to CCR, Title 9, Section 10564(k).

Category 4: ACCESS AND INFORMATION REQUIREMENTS

A review of the access and information requirements for the access line, language and format requirements, and general information was conducted to ensure compliance with applicable regulations and standards. The following deficiency in access and information requirements was identified:

COMPLIANCE DEFICIENCY:

CD 4.2.2:

Intergovernmental Agreement Exhibit A, Attachment I, III, G, 3, xi

- xi. Have a 24/7 toll free number for prospective beneficiaries to call to access DMC-ODS services and make oral interpretation services available for beneficiaries, as needed.

Findings: The Plan did not provide evidence to demonstrate prospective beneficiaries calling the 24/7 toll free number received information to access DMC-ODS services.

A minimum of two test calls were conducted for the Plan's 24/7 toll free number posted on the County's website. The responses to the test calls resulted in a barrier to access DMC-ODS services for prospective beneficiaries calling.

Test Call 1:

The first call was done on 4/11/23 at 9:47am during business hours and was determined to be out of compliance because access to services was not provided. The CCM analyst called the access line number listed on Marin County's website (1-888-818-1115). The call started with a prerecording only in Spanish, which was not also offered in English. This information on the recording was not able to be understood. The live staff who answered the call asked what services the CCM analyst was calling about. Analyst requested information on substance use services in San Rafael. The staff, who did not identify herself by name or indicate which provider she was working for, asked what state analyst needed services from. Analyst responded California, and she stated she would have to look that up. Analyst clarified that she was requesting information on substance use services in Marin County and inquired if she was calling the correct number to obtain information about substance use services in Marin County. The live staff stated that this was a suicide line. The call was ended, as this did not appear to be the correct access line to obtain substance use service information.

Test Call 2:

The second call on 4/11/23 was done at 9:51am during business hours and this call was determined to be out of compliance because access to substance use services was not able to be provided. This CCM analyst called another access line number (1-888-628-9454). The call started with a prerecording only in Spanish, which was not also offered

in English, so the information was not able to be understood. The live staff, who answered the call, only spoke Spanish. CCM analyst stated that she only speak English and asked if she could get some help. The female staff speaking in Spanish appeared to try to get assistance in English although the call went silent. CCM analyst waited on the call for 3 minutes and decided to terminate the call.

Test Call 3:

The third call on 4/11/23 was done at 10:05am during business hours and this call was determined to be in compliance because this CCM analyst was able to obtain information on substance use services in Marin County. The CCM analyst called the access line (1-888-818-1115) a second time. The call was answered immediately by Julie with Marin Access line. She asked if this was a crisis call, which analyst replied that it was not. Analyst requested information about if she could get some help with substance use services in San Rafael. Julie responded with information about the screening process to determine use and current symptoms, levels of care available and provided information about substance use facilities for Medi-Cal clients. CCM analyst asked if this was the correct number to call if she was interested in setting up an assessment. Julie responded yes, that analyst could call back at any time to complete an assessment.

Test Call 4:

The fourth call was made before business hours on 4/13/23 at 6:53am. This call was determined to be in compliance because the CCM analyst was able to obtain information on substance use services in Marin County. The call began with a recording which was only provided in Spanish. The call was answered by a live staff who spoke Spanish. Analyst requested help and stated that she would need the assistance in English. The male staff responded, "I can speak English" and asked how he could help. Analyst requested information on substance use services in Marin County. The live staff responded "social services?" Analyst clarified stating substance use services. The staff member requested that analyst spell out the name of the county she was asking about. Analyst then spelled out the county name- Marin. The live staff then asked for the zip code, but analyst responded that she wasn't sure of the zip code. The staff member then asked if analyst had something to write down information with and analyst responded that she did. The following information was provided: Newport Academy 877-820-6371, Muir Woods Adult and Adolescent Services 707-800-5286, Bay Area Community Resources 415-755-2335 and Reflection Detox Facility 415-895-6394. The CCM analyst received the requested information and terminated the call at this point.

TECHNICAL ASSISTANCE

Marin County did not request Technical Assistance during this review.