



April 7, 2023

THIS LETTER SENT VIA EMAIL TO: RBingham@co.sutter.ca.us

Rick Bingham, Director  
Sutter/Yuba Behavioral Health and Human Services  
446 Second Street  
Yuba City, CA 95991

SUBJECT: ANNUAL COUNTY COMPLIANCE SECTION DMC FINDINGS REPORT

Dear Director Bingham:

The Department of Health Care Services (DHCS) is responsible for monitoring compliance to requirements of the Drug Medi-Cal (DMC) Contract operated by Sutter Yuba 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 protocol, discussion with County staff, and supporting documentation provided by the County. Enclosed are the results of Sutter Yuba County's Fiscal Year (FY) 2022-23 DMC compliance review. The report identifies deficiencies, required corrective actions, advisory recommendations, and referrals for technical assistance.

Sutter Yuba 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 6/7/2023. 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](mailto:MCBHOMDMonitoring@dhcs.ca.gov).

If you have any questions, please contact me at [emanuel.hernandez@dhcs.ca.gov](mailto:emanuel.hernandez@dhcs.ca.gov).

Sincerely,

Emanuel Hernandez | CCM II Analyst

Distribution:

To: Director Bingham,

Cc: Mateo Hernandez, Audits and Investigations, Contract and Enrollment Review  
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Catherine Hicks, Audits and Investigations, Behavioral Health Review Branch  
Chief  
Ayesha Smith, Audits and Investigations, County Compliance Section Chief  
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[MCBHOMDMonitoring@dhcs.ca.gov](mailto:MCBHOMDMonitoring@dhcs.ca.gov), County/Provider Operations and  
Monitoring Branch  
Xay Chue, Sutter/Yuba County Mental Health Therapist III  
Phillip Hernandez, Sutter/Yuba County Program Manager – Clinical Services

## COUNTY REVIEW INFORMATION

**County:**

Sutter/Yuba

**County Contact Name/Title:**

Xay Chue/Mental Health Therapist III

**County Address:**

446 Second Street  
Yuba City, CA 95991

**County Phone Number/Email:**

(530) 491-8728  
xchue@co.sutter.ca.us

**Date of Review:**

2/23/2023

**Lead CCM Analyst:**

Emanuel Hernandez

**Assisting CCM Analyst:**

N/A

**Report Prepared by:**

Emanuel Hernandez

**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) 2021-22 State-County Contract, herein referred to as State County Contract
- b. Fiscal Year (FY) 2022-23 State-County Contract, herein referred to as State County Contract
- 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 2/23/2023. The following individuals were present:

- Representing DHCS:  
Emanuel Hernandez, County Compliance Monitoring II (CCM II) Analyst  
David Cannedy, Staff Service Manager I
  
- Representing Sutter Yuba County:  
Phillip Hernandez, Clinical Services Program Manager  
Xay Chue, Mental Health Therapist III  
Rudy Rodriguez, Prevention Early Intervention Services Coordinator  
Tammy Quinn, Prevention Services Coordinator  
Vicha Xiong, Accountant II  
Melissa Clavel, SYBH Quality Assurance Officer  
John Floe, Community Services Program Manager

During the Entrance Conference, the following topics were discussed:

- Introductions
- Overview of review process
- Sutter/Yuba overview of services provided

**Exit Conference:**

An Exit Conference was conducted via WebEx on 2/23/2023. The following individuals were present:

- Representing DHCS:  
Emanuel Hernandez, CCM II Analyst  
David Cannedy, SSM I
  
- Representing Sutter Yuba County:  
Phillip Hernandez, Clinical Services Program Manager  
Xay Chue, Mental Health Therapist III  
Rudy Rodriguez, Prevention Early Intervention Services Coordinator  
Tammy Quinn, Prevention Services Coordinator  
Vicha Xiong, Accountant II  
Melissa Clavel, SYBH Quality Assurance Officer  
John Floe, Community Services Program Manager

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)**

<b><u>Section</u></b>	<b><u>Number of CDs</u></b>
1.0 Administration	2
2.0 Program Integrity	0
3.0 Perinatal Practice Guidelines	1
4.0 Youth Services	1
5.0 Reporting Requirements	1

## Category 1: ADMINISTRATION

A review of the County's Administration was conducted to ensure compliance with applicable regulations and standards. The following deficiencies in regulations, standards, or protocol requirements were identified:

### COMPLIANCE DEFICIENCIES:

#### **CD 1.2:**

DMC Contract, Exhibit A, Attachment I A1, Part I, Section 3, B, 2

1. The Contractor shall amend its subcontracts for covered services in order to provide sufficient funds to match allowable Federal Medicaid reimbursements for any increase in DMC services to beneficiaries.

**Findings:** The County did not provide evidence of compliance demonstrating how it amends subcontracts for covered services in order to provide sufficient funds to match allowable Federal Medicaid reimbursements for any increase in DMC services to beneficiaries.

#### **CD 1.7**

DMC Contract, Exhibit A, Attachment I A1, Part I, Section 3, A, 2, a-c

2. Medi-Cal Substance Use Disorder (SUD) treatment services for beneficiaries under age 21
  - a) The EPSDT mandate entitles beneficiaries under the age of 21 to all appropriate and medically necessary services coverable under a Medicaid State Plan (as described in 42 U.S.C. § 1396d(a)) that are needed to correct or ameliorate discovered health conditions, regardless of whether those services are covered in the state's Medicaid State Plan.
  - b) Under the EPSDT mandate and in accordance with BHIN 22-003, the Contractor shall provide all SUD treatment services that are coverable under 42 U.S.C. § 1396d(a)) whether or not it is covered under the Medicaid State Plan, including but not limited to covered DMC and Drug Medi-Cal – Organized Delivery Services (DMC-ODS) (referred to as Expanded SUD Treatment Services in the State Plan). The array of SUD treatment services covered in the State Plan are described in the "Substance Use Disorder Treatment Services" and the "Expanded Substance Use Disorder Treatment Services" sections of Supplement 3 to Attachment 3.1-A in the Medi-Cal State Plan.
  - c) The Contractor shall provide screening and early intervention services to beneficiaries under the age of 21 at risk of developing an SUD regardless of whether they meet diagnosis criteria for a behavioral health disorder. Any beneficiary under the age of 21 who is screened and determined to be at risk of developing an SUD may receive any service component covered under the outpatient level of care as early intervention services. A diagnosis from the



Diagnostic and Statistical Manual or International Classification of Diseases, Tenth Edition (ICD-10) for Substance-Related and Addictive Disorders is not required for early intervention services. Early intervention services are provided under the outpatient treatment modality and must be made available by counties based on individual clinical need, even if the beneficiary under age 21 is not participating in the full array of outpatient treatment services.

BHIN 22-003

**Findings:** The County did not provide evidence of compliance demonstrating the availability of the following early intervention services (outpatient services) to beneficiaries under the age of 21 at risk of developing an SUD, regardless of whether they meet diagnosis criteria for a behavioral health disorder (BHIN 21-051 and 22-003), specifically:

- Screening
- Group Counseling
- Individual Counseling
- Patient Education

### **Category 3: PERINATAL PRACTICE GUIDELINES**

A review of the County's Perinatal Practice Guidelines was conducted to ensure compliance with applicable regulations, and standards. The following DMC deficiency in regulations, standards, or protocol requirements was identified:

#### **COMPLIANCE DEFICIENCY:**

##### **CD 3.3:**

DMC Contract, Exhibit A, Attachment I A1, Part II, I

##### **I. Perinatal Practice Guidelines**

The Contractor will follow the guidelines in Document 1G, "Perinatal Practice Guidelines," in developing and implementing perinatal treatment and recovery programs funded under this Exhibit, until new Perinatal Practice Guidelines are established and adopted. No formal amendment of this Contract is required for new guidelines to be incorporated into this Contract.

DMC Contract, Exhibit A, Attachment I A1, Part II, Q

##### **Q. Subcontract Provisions**

The Contractor shall include the foregoing Part II general provisions in all of its subcontracts.

**Findings:** The County did not provide evidence demonstrating that all of the foregoing State County Contract Exhibit A, Attachment I, Part II general provisions are included in all executed subcontracts, including the Perinatal Practice Guidelines provision.

## Category 4: YOUTH SERVICES

A review of the County's Youth Services was conducted to ensure compliance with applicable regulations, and standards. The following DMC deficiency in regulations, standards, or protocol requirements was identified:

### COMPLIANCE DEFICIENCY:

#### **CD 4.2:**

DMC Contract, Exhibit A, Attachment I A1, Part II, J

#### J. Youth Treatment Guidelines

The Contractor will follow the guidelines in Document 1V, "Youth Treatment all Guidelines," in developing and implementing youth treatment programs funded under this Exhibit, until new Youth Treatment Guidelines are established and adopted. No formal amendment of this Contract is required for new guidelines to be incorporated into this Contract.

#### Adolescent Best Practices Guidelines 4.6

##### Transportation

Access to safe, affordable transportation for adolescents with SUDs can increase their engagement and retention in treatment, aid in accessing other treatment-related services, and assist in achieving treatment and recovery plan goals. Transportation assistance may be accomplished in a variety of ways, such as provision of public transportation passes; and identification of and access to other community transportation resources (NASADAD, 2014).

**Findings:** The County did not provide evidence of compliance demonstrating youth transportation may be provided in one or more of the following ways, specifically:

- Provision of public transportation passes.
- Other community transportation resources.
- Other modes of transportation.

## **Category 5: REPORTING REQUIREMENTS**

A review of the County's reporting requirements was conducted to ensure compliance with applicable regulations, and standards. The following DMC deficiencies in regulations, standards, or protocol requirements were identified:

### **COMPLIANCE DEFICIENCIES:**

#### **CD 5.1:**

##### **DMC Contract, Exhibit A, Attachment I A1, Part III; C, 3-6**

3. Electronic submission of CalOMS-Tx data shall be submitted by the Contractor within 45 days from the end of the last day of the report month.
4. The Contractor shall comply with data collection and reporting requirements established by the DHCS CalOMS-Tx Data Collection Guide (Document 3J) and all former Department of Alcohol and Drug Programs Bulletins and DHCS Information Notices relevant to CalOMS-Tx data collection.
5. The Contractor shall submit CalOMS-Tx admission, discharge, annual update, resubmissions of records containing errors or in need of correction, and "provider no activity" report records in an electronic format approved by DHCS.
6. The Contractor shall comply with the CalOMS-Tx Data Compliance Standards established by DHCS identified in Document 3S for reporting data content, data quality, data completeness, reporting frequency, reporting deadlines, and reporting method.

**Findings:** The County's Open Admissions Report is out of compliance.

## **TECHNICAL ASSISTANCE**

Sutter/Yuba County did not request technical assistance.