

# BEHAVIORAL HEALTH SERVICES ACT ISSUE RESOLUTION PROCESS

This Behavioral Health Services Act (BHSA) Issue Resolution Process (IRP), developed in collaboration with various public behavioral health stakeholders and updated to reflect statutory changes due to Proposition 1 passing in March 2024, provides information regarding the resolution process to address local issues related to BHSA, access to services and BHSA requirements. The IRP is subject to revision as needed.

## Local Issue Resolution Principles

Issues regarding the BHSA should initially be addressed at the local level<sup>1</sup>. The local process should be completed in an expedient manner, with decisions being consistent with BHSA statutes and the [BHSA County Policy Manual](#) (Policy Manual). General principles and processes for a local BHSA 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 BHSA funded behavioral health services.
2. Violation of statute or the BHSA County Policy Manual relating to use of BHSA funds.
3. Inconsistency between the approved BHSA Integrated Plan for Behavioral Health Services and Outcomes and its implementation (for BHSA-funded services).
4. The local BHSA Community Planning Process.
5. Supplantation of BHSA funds.

## How to Submit an BHSA Issue

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

<sup>1</sup> 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.

including the local behavioral health board<sup>2</sup>, without satisfactory resolution, the following steps may be taken:

1. The Issue Filer may submit the BHSAs 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: BHSAs Issue Resolution Process  
1501 Capitol Avenue, MS 2632  
P.O. Box 997413  
Sacramento, CA 95899-7413  
Email: [BHTinbox@dhcs.ca.gov](mailto:BHTinbox@dhcs.ca.gov)

2. The Issue Filer may also submit the BHSAs issue to any of the following entities:
  - Behavioral Health Services Oversight and Accountability Commission (BHSOAC) or Commission for Behavioral Health
  - California Behavioral Health Planning Council
  - Any agency and/or entity the Issue Filer feels may assist in resolving the BHSAs related issue.
3. The Issue Filer may authorize another person to act on his or her behalf in filing an BHSAs 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.

<sup>2</sup> In some instances, this may include communicating with the local behavioral health board. Welfare and Institutions Code Section 5963.03 provides for the board to conduct a public hearing on the integrated plan and updates and provide recommendations to the local mental health agency, local substance use disorder agency, or local behavioral health agency, as applicable.

2. If the issue does not fall within the scope of the BHSA 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 will send a letter or email to the Issue Filer summarizing the status and disposition of their issue.
3. If the BHSA issue does fall within the scope of the BHSA 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 BHSA 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 BHSA issue.
5. DHCS will contact the county and obtain the status regarding the BHSA 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 BHSA statutes and Policy Manual.
6. If the county's response to the BHSA issue is consistent with the BHSA statutes and Policy Manual, 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 behavioral health board.
7. If DHCS determines that the activity by the County was inconsistent with the BHSA Policy Manual and/or statutes, DHCS will contact the Issue Filer and the county to determine next steps. As appropriate, DHCS will notify the BHSOAC, the local board

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