

Mental Health Services Act Issue Resolution Process

Updated January 2024

Purpose:

This procedure supplements the Department of Health Care Services (DHCS) Beneficiary Problem Resolution Process and local policies which provide detailed guidelines for the BHS contracted Patient Advocacy program in addressing grievances and appeals regarding services, treatment, and care provided by the Mental Health Plan and Drug Medi-Cal Organized Delivery System in alignment with DHCS contracts. In addition, this procedure provides a process for addressing issues, complaints, and grievances about Mental Health Services Act (MHSA) program planning process and implementation as required per DHCS Performance Contract Exhibit A.

DHCS requires the counties' local MHSA issue resolution process be exhausted before accessing State venues, which include the Mental Health Services Oversight and Accountability Commission (MHSOAC) or the California Mental Health Planning Council (CMHPC) in addition to DHCS .

The County of San Diego (County) Health and Human Services Agency, Behavioral Health Services (BHS) has adopted an issue resolution process for clients, family members, providers, and/or community members in San Diego to file and resolve issues that are related to the MHSA Community Program Planning process, and ensure consistency between program implementation and approved plans.

BHS is committed to:

- Addressing issues regarding MHSA in an expedient and appropriate manner;
- Providing several avenues to file an issue, complaint, or grievance;
- Ensuring assistance is available, if needed, for the client, family member, provider, and/or community member to file their issue; and
- Honoring the issue filer's desire for anonymity

Types of MHSA issues to be resolved in this process include:

- Appropriate use of MHSA funds
- Allegations of fraud, waste, and abuse of funds are excluded from this process. Allegations of this type will be referred directly to the County Business Assurance and Compliance Office for investigation.
- Inconsistency between the approved MHSA Plan and its implementation
- The San Diego County Community Program Planning Process pursuant to Welfare and Institutions Code (WIC) Section 5848 (a).

Process:

- An individual may file an issue related to the MHSA planning process or MHSA Plan and/or its implementation, as well as a complaint or grievance related to any aspect of the Mental Health Plan and Drug Medi-Cal Organized Delivery System at any point and through any avenue within these systems of care. These avenues include, but are not limited to, the BHS Director, BHS Assistant Directors, BHS Deputy Directors, BHS Councils, County Business Assurance and Compliance Office, MHSA Issue Resolution Contact, Patient Advocacy Program, and BHS providers. Issues may be filed via letter, email or phone.
- The MHSA issue shall be forwarded to the MHSA Issue Resolution Contact (IRC) listed

below for review within three (3) business days of receipt.

- The IRC shall provide the Issue Filer a written acknowledgement confirming receipt of the issue, complaint, or grievance within two (2) business days.
- The IRC shall notify the BHS MHSA Coordinator of an issue received while maintaining anonymity of the Issue Filer within two (2) business days if BHS not already in receipt of issue, complaint, or grievance.
- If issue does not fall within the scope of the MHSA Issue Resolution Process, the issue will be referred to other resources such as Patient Advocacy, Medi-Cal and other State/Local resources appropriate to the issue and relevant timelines will then be followed.
- If the issue is within scope of the MHSA Issue Resolution Process, the IRC will investigate the issue.
 - IRC may convene an MHSA Issue Resolution Committee (MIRC) whose membership includes unbiased, impartial individuals who are not employed by the County.
 - IRC will communicate with the Issue Filer every seven (7) days while the issue is being investigated and resolved.
- Upon completion of the investigation, IRC shall issue a committee report to the BHS Director within 15 days for awareness.
 - Report shall include a description of the issue, brief explanation of the investigation, IRC/MIRC recommendation and the County resolution to the issue.
 - IRC shall notify the Issue Filer of the resolution in writing within sixty (60) calendar days of original receipt of the issue and provide information regarding the appeal process and State-level opportunities for additional resolution.
- If the filer does not agree with the local resolution, the filer may file an appeal with the following agencies at any time:

Mental Health Services Oversight and Accountability Commission (MHSOAC)
1325 J Street, Suite 1700
Sacramento, CA 95814
Phone: (916) 445-8696 Fax: (916) 445-4927 Email: MHSOAC@mhsoac.ca.gov

California Mental Health Planning Council (CMHPC) MS 2706
PO Box 997413
Sacramento, CA 95899-7413
Phone: (916) 701-8211 Fax: (916) 319-8030

California Department of Health Care Services (DHCS) Department of Health Care Services Mental Health Services Division Attention: MHSA Issue Resolution Process
1500 Capitol Avenue, MS 2702
P.O. Box 997413
Sacramento, CA 95899-7413
Email: mhsa@dhcs.ca.gov

- The BHS Director will provide a quarterly MHSA Issue Resolution Report to the Behavioral Health Advisory Board.

Issue Resolution Contact (IRC):

Consumer Center for Health Education & Advocacy – CCHEA

Carol Neidenberg
110 S Euclid Avenue
San Diego, CA 92114
(877) 534-2524
caroln@cchea.org