County of San Bernardino
Department of Behavioral Health

MHSA Issue Resolution Process

Effective 04/27/12
Approved 04/27/12 CaSonya Thomas, Director

Overview

The County of San Bernardino (County) Department of Behavioral Health (DBH) has a history of encouraging and supporting community collaboration, particularly the involvement of stakeholders, in all aspects of the Mental Health Services Act (MHSA) programs it provides. Community collaboration includes the opportunity to address concerns about DBH MHSA program issues in the following areas:

- Access to mental health services
- Violation of statutes or regulations relating to use of MHSA funds
- Non-compliance with MHSA General Standards
- Inconsistency between the approved MHSA Plan and its implementation
- The local MHSA Community Program Planning Process
- Supplantation

The MHSA Issue Resolution Process described herein shall be expeditiously followed should persons interested in local MHSA programs bring forward an issue in the areas described above.

Important Note: This document is not intended for client grievances and appeals. This document applies to only those subjects listed above. Providers or clients seeking relief for a grievance issue should follow the instructions in the Beneficiary Grievance and Appeal Procedure, the Mental Health Outpatient Provider Appeal Procedure or the Patients' Rights Outpatient Grievance Process, as applicable.

MHSA Issue Resolution Committee (MIRC)

The Community Policy Advisory Committee (CPAC) shall create a sub-committee, the MHSA Issue Resolution Committee (MIRC). MIRC shall be composed of six (6) to ten (10) members and include at a minimum, the following:

- One (1) member of the local Behavioral Health Commission
- One (1) DBH contract agency person
- One (1) stakeholder from the local mental health community
- One (1) DBH county employee

Note: The MHSA Coordinator and DBH Executive Team members shall not be eligible to serve as a member of MIRC to avoid a conflict of interest.

MIRC shall be responsible for:

- Reviewing documents bringing forward MHSA issues requiring resolution, as described above in the **Overview**

Continued on next page

MHSA Issue Resolution Process, Continued

MHSA Issue Resolution Committee (MIRC) (continued)

- Issuing a written recommendation to the DBH Executive Committee which resolves the issue brought forward
- Interviewing various persons to gain a full understanding of the issues and MHSA program operations, when necessary

The Process

The following steps shall be followed to proceed with the DBH MHSA Issue Resolution Process:

Step	Action
1	The originating party initiates the MHSA Issue Resolution Process. See **How to Initiate the Issue Resolution Process** below for specifics.

2	The MHSA Coordinator or designee, within five (5) business days of receipt of the document:
	• Notifies MIRC a meeting needs to be convened or forwards the document to the Access Unit when it deviates from the six (6) subject areas named in the **Overview**. See **How to Initiate the Issue Resolution Process** below for specifics.
	• Notifies the originating person(s) of the date of the MIRC meeting and includes in the document:
	  o The names of the impartial bodies which will review the document:
	  ▪ MIRC
	  ▪ DBH Executive Team
	  o A copy to MIRC with the original of the document of concern attached
	
	Note: The originating person(s) has the right to remain anonymous, but must make a request to remain so. S/he also has the right to a person to represent him/her.

3	MIRC meets, within fifteen (15) business days of the MHSA Coordinator's receipt of the document, to:
	• Review the document
	• Investigate the stated concerns against:
	  o DBH/contracted provider actions/documentation
	  o MHSA statutes and regulations
	  o Interviews which will be assigned as required for fact gathering
	• Reach a resolution recommendation
	
	Note: MIRC shall reach a resolution recommendation within thirty (30) calendar days of notification of the concern.

Continued on next page

MHSA Issue Resolution Process, Continued

The Process (continued)

Step	Action
4	A MIRC member(s), within five (5) business days of the conclusion of MIRC reaching its resolution proposal: • Writes the completed proposed resolution as approved by MIRC • Sends the resolution to the DBH Executive Team for approval
5	A MIRC member(s) notifies the originating person(s) and representative(s) in writing: • A preliminary resolution has been reached • The date a final resolution will be reached
6	DBH Executive Team, within ten (10) business days of receipt of the MIRC proposed resolution meets to; • Review the MIRC resolution • Discuss the proposed resolution • Agree with the proposed resolution or recommend an alternative resolution • Finalize a resolution
7	A MIRC member(s): • Writes the final resolution within ten (10) business days of receipt of the DBH Executive Team proposed resolution • Notifies the originating person(s) and representative(s) in writing of the resolution and includes in the document: o Whom to contact if the resolution is not satisfactory o An impartial review will address a second resolution, should the initial resolution not be accepted (See **Impartial Review** below.)

How to Initiate the Issue Resolution Process

The following steps shall be followed to initiate a concern about MHSA issues as listed above in the **Overview**.

Step	Action
1	Person(s) originating a statement of concern shall do so: • Verbally by dialing 1-800-722-9866 • In writing via: o Email to MHSA@dbh.sbcounty.gov o Fax (909) 252-4055 • Submittals, verbal or written, shall include at least the following: o A clear and specific statement the originating party wants to resolve o Which of the six (6) areas of concern needs to be addressed, as they are listed in the **Overview**

Continued on next page

MHSA Issue Resolution Process, Continued

How to Initiate the Issue Resolution Process (continued)

Step	Action
1 cont'd	o Information regarding the concerns shall include, but is not limited to: ▪ Who has been previously contacted about the concern, if this has occurred ▪ What ramifications are likely to occur if the issue is not resolved and/or what statutes or regulations are applicable ▪ Applicable timeframes which must be met to avoid the anticipated concerns, if any deadlines apply ▪ Which programs, funding streams, persons involved (with their permission to protect their identities), applicable DBH location(s) if appropriate, number of occurrences, types of inconsistencies, etc. ▪ Why the issue(s) is being brought forward **Note:** The originating person(s) may remain anonymous and also authorize another person to act on his/her behalf in submitting an issue.
2	MHSA Coordinator receiving the verbal or written statement of concern shall: • Capture the information in writing if it has been communicated verbally • Record the time and date on the document created or received from the originator(s), if not already documented • Secure the originators(') signature, if the person(s) is willing to identify him/herself • Date the document has been signed, if not already recorded **Note:** Protected health information or personally identifiable information may be included in the original written statement only if an Authorization for Release of Protected Health Information form has been signed by the originating person(s), pertaining to only this issue and only for the duration of this process, for privacy and security purposes.
4	MHSA Coordinator or designee shall note the date the document is received and briefly review the document to confirm the issue is one of the six (6) this process is designed to address and whether or not the originating person(s) prefers to remain anonymous. **Note:** DBH shall close the issue if a signed Authorization for Release of Protected Health Information, if applicable, has not been received within ten (10) calendar days of the date of the originating statement. The originating person(s),

Continued on next page

MHSA Issue Resolution Process, Continued

How to Initiate the Issue Resolution Process (continued)

Step	Action
4 cont'd	representative(s), and staff member(s) shall be notified in writing by the MHSA Coordinator or designee when an issue is closed in this manner.
5	MHSA Coordinator or designee shall review the document within five (5) business days of receipt, and;

If	Then
The document does fall within the six (6) issues listed in the **Overview**,	• Notify MIRC a meeting needs to be set within ten (10) business days of MHSA Coordinator's receipt of the document • Advise the originating person(s) in writing of when the meeting will take place
The document does not fall within the six (6) issues listed in the **Overview**,	• Forward the document to Access for further handling • Notify the originating person(s) in writing the document has been forwarded to the Access Unit

Impartial Review

Final resolutions found by the originating person(s) to be unsatisfactory will be impartially reviewed, as follows:

Step	Action
1	Originating person(s) or representative(s) shall, within thirty (30) calendar days of the date notification was issued, notify the MHSA Coordinator verbally or in writing that the resolution has not been accepted.
2	MHSA Coordinator or designee shall, within five (5) business days of receipt of the resolution rejection: • Note the date and time of receipt of notification • Notify the originating person(s) of the date by which an impartial review will be set, within sixty (60) calendar days hence • Notify MIRC and the DBH Executive Team of the impartial review action • Notify County Counsel of the need for an impartial review and of applicable time parameters • Set a meeting between County Counsel and selected MIRC/Executive Team members

Continued on next page

MHSA Issue Resolution Process, Continued

Impartial Review (continued)

Step	Action
3	DBH Executive Team and MIRC shall each select members to meet with County Counsel to coordinate a review of the resolution process and determine the pertinent points of the impartial review, as follows: • DBH Executive Team shall select one (1) member • MIRC shall select two (2) members **Note:** DBH Executive Team and MIRC team members selected for this action shall also attend the impartial review.
4	County Counsel shall request/set the impartial review and notify DBH Executive Team and MIRC participants accordingly.
5	MIRC shall notify the originating person(s) and representative(s) of the date of the impartial review.
6	The impartial review shall occur.
7	The following final actions shall occur, as applicable: **If** / **Then** The originating person(s) reject the impartial review resolution, / MIRC shall send written notification to the originating person(s) and representative(s) when the impartial review upholds the DBH position, and include how to appeal to the State for a final review.* The originating person(s) accept the impartial review resolution, / MIRC shall notify the MHSA Coordinator, who shall ensure any changes from the impartial review resolution are implemented. *Department of Mental Health – Office of Community Services Issue Resolution Process Cynthia Burt 1600 9th Street, Room 100 Sacramento, CA 95814 (916) 654-1188

Copies of Issue Resolution Process

Requests for copies of this document shall be directed to the MHSA Coordinator, who will review the queries with the MHSA Executive Committee prior to release.

Reference

California Welfare and Institutions Code (WIC), Section 3320

Continued on next page

MHSA Issue Resolution Process, Continued

Related Policy or Procedure

DBH Standard Practice Manual:

- COM0912: Authorization to Release Confidential Protected Health Information (PHI) Policy
- COM0912-1: Authorization to Release Confidential Protected Health Information (PHI) Procedure
- COM0935-2: Patient's Rights Outpatient Grievance Process
- QM6029: Beneficiary Grievance and Appeal Policy
- QM6029-1: Beneficiary Grievance and Appeal Procedure
- QM6037: Mental Health Outpatient Provider Appeal Policy
- QM6037-1: Mental Health Outpatient Provider Appeal Procedure