

**County of San Bernardino
Department of Behavioral Health**

MHSA Issue Resolution Process

**Effective
Approved**

02/14/12
02/14/12

Allan Rawland, 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.

**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
 - 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
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MHSA Issue Resolution Process, Continued

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	<p>The MHSA Coordinator or designee, within five (5) business days of receipt of the document:</p> <ul style="list-style-type: none"> • 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 meeting and includes in the document: <ul style="list-style-type: none"> ○ The names of the impartial bodies which will review the document: <ul style="list-style-type: none"> ▪ MIRC ▪ DBH Executive Team ○ A copy to MIRC with the original the document of concern attached. <p>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.</p>
3	<p>MIRC meets, within fifteen (15) business days of the MHSA Coordinator's receipt of the document, to:</p> <ul style="list-style-type: none"> • Review the document • Investigate the stated concerns against: <ul style="list-style-type: none"> ○ DBH/contracted provider actions/documentation ○ MHSA statutes and regulations ○ Interviews assigned as required for fact gathering • Reach a resolution recommendation <p>Note: MIRC shall reach a resolution recommendation within thirty (30) calendar days.</p>
4	<p>A MIRC member(s), within five (5) business days of the conclusion of MIRC reaching its resolution proposal:</p> <ul style="list-style-type: none"> • Writes the completed proposed resolution as approved by MIRC • Sends the resolution to the DBH Executive Team for approval

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MHSA Issue Resolution Process, Continued

The Process
(continued)

Step	Action
5	A MIRC member(s) notifies the originating person(s) and representative(s) in writing: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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): <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ Whom to contact if the resolution is not satisfactory ○ An objective, outside Arbiter will address the second resolution, should the resolution not be accepted (See Arbitration below.)

How to Initiate the Issue Resolution Process

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

Step	Action
1	Person(s) originating a statement of concern shall do so verbally or in writing (including email to MHSA@dbh.sbcounty.gov (the MHSA mailbox), or via fax (909) 252-4055 to include the following information: <ul style="list-style-type: none"> • A clear and specific statement the originating party wants to resolve • The statement shall include which of the six (6) areas of concern needs to be addressed, as they are listed in the Overview • Information regarding the concerns shall include, but is not limited to: <ul style="list-style-type: none"> ○ 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

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MHSA Issue Resolution Process, Continued

**How to Initiate
the Issue
Resolution
Process
(continued)**

Step	Action
1 cont'd	<ul style="list-style-type: none"> ○ 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 <p>Note: The originating person(s) may remain anonymous and also authorize another person to act on his/her behalf in documenting an issue.</p>
2	<p>MHSA Coordinator receiving the verbal or written statement of concern shall:</p> <ul style="list-style-type: none"> • 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 originator(s)' signature, if the person(s) is willing to identify him/herself • Date the document has been signed, if not already recorded <p>Note: Protected health information or personally identifiable information may be included in the original written statement only if an <u>Authorization for Release of Protected Health Information</u> 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.</p>
4	<p>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.</p> <p>Note: DBH shall close the issue if a signed <u>Authorization for Release of Protected Health Information</u>, if applicable, has not been received within ten (10) calendar days of the date of the originating statement. The originating person(s) and 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.</p>
5	<p>MHSA Coordinator or designee shall review the document within five (5) business days of receipt and;</p>

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MHSA Issue Resolution Process, Continued

How to Initiate the Issue Resolution Process
(continued)

Step	Action	
5 cont'd	If	Then
	The document does fall within the six (6) issues listed in the Overview ,	<ul style="list-style-type: none"> • 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 ,	<ul style="list-style-type: none"> • Forward the document to Access for further handling • Notify the originating person(s) in writing the document has been forwarded to the Access Unit

Arbitration

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

Step	Action
1	Originating person(s) or representative(s) shall verbally or in writing notify the MHSA Coordinator that the resolution has not been accepted within thirty (30) calendar days.
2	MHSA Coordinator or designee shall, within five (5) business days of receipt of the resolution rejection: <ul style="list-style-type: none"> • Note the date and time of receipt of notification • Notify the originating person(s) of the date by which an arbitration will be set, within sixty (60) calendar days hence • Notify MIRC and the DBH Executive Team of the arbitration action • Notify the Department of Risk Management (DRM) of the need for an Arbiter and of applicable time parameters • Set a meeting between DRM and selected MIRC/Executive Team members
3	DBH Executive Team and MIRC shall select three (3) members each to meet with the DRM representative to coordinate a review of the resolution process and determine the pertinent points of the arbitration.

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MHSA Issue Resolution Process, Continued

Arbitration
(continued)

Step	Action						
3 cont'd	Note: DBH Executive Team and MIRC team members selected for this action shall also attend the arbitration.						
4	DRM representative shall request/set the arbitration 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 arbitration.						
6	The arbitration shall occur.						
7	The following final actions shall occur, as applicable: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">If</th> <th style="text-align: center;">Then</th> </tr> </thead> <tbody> <tr> <td>The originating person(s) reject the arbiter's decision,</td> <td>MIRC shall send written notification to the originating person(s) and representative(s) when the arbitration upholds the DBH position, how to appeal to the State for a final review.*</td> </tr> <tr> <td>The originating person(s) accept the arbiter's decision,</td> <td>MIRC shall notify the MHSA Coordinator, who shall ensure any changes from the arbiter's decision are implemented.</td> </tr> </tbody> </table>	If	Then	The originating person(s) reject the arbiter's decision,	MIRC shall send written notification to the originating person(s) and representative(s) when the arbitration upholds the DBH position, how to appeal to the State for a final review.*	The originating person(s) accept the arbiter's decision,	MIRC shall notify the MHSA Coordinator, who shall ensure any changes from the arbiter's decision are implemented.
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The originating person(s) reject the arbiter's decision,	MIRC shall send written notification to the originating person(s) and representative(s) when the arbitration upholds the DBH position, how to appeal to the State for a final review.*						
The originating person(s) accept the arbiter's decision,	MIRC shall notify the MHSA Coordinator, who shall ensure any changes from the arbiter's decision are implemented.						
<p>*Department of Mental Health – Office of Community Services Issue Resolution Process Attention: Cynthis.bur@dmh.ca.gov 1600 9th Street Room 100 Sacramento, CA 95814 (916) 654-1188</p>							

Reference California Welfare and Institutions Code (WIC), Section 3320

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