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State of California—Health and Human Services Agency
Department of Health Care Services



GAVIN NEWSOM
GOVERNOR

DATE: August 10, 2022

Behavioral Health Information Notice No: 22-043
Supersedes [Behavioral Health Information Notice \(BHIN\) No.: 21-056](#)

TO: California Alliance of Child and Family Services
California Association for Alcohol/Drug Educators
California Association of Alcohol & Drug Program Executives, Inc.
California Association of DUI Treatment Programs
California Association of Social Rehabilitation Agencies
California Consortium of Addiction Programs and Professionals
California Council of Community Behavioral Health Agencies
California Hospital Association
California Opioid Maintenance Providers
California State Association of Counties
Coalition of Alcohol and Drug Associations
County Behavioral Health Directors
County Behavioral Health Directors Association of California
County Drug & Alcohol Administrators

SUBJECT: Annual County Monitoring Activities (ACMA) for Mental Health Plans (MHP), Drug Medi-Cal Organized Delivery System (DMC-ODS), and Drug Medi-Cal (DMC) for Fiscal Year (FY) 2022/23.

PURPOSE: To inform Medi-Cal behavioral health delivery systems of required document submission and due date for FY 2022/23 ACMA.

REFERENCE: 42 C.F.R. § 438.608
Title 22 California Code of Regulations Chapter 3, Section 51341.1(e)
Title 9 California Code of Regulation, Chapter 11, Section 1810.380(a)
1915(b) Waiver (Section B)
DHCS MHP Contract (Exhibit E, Section 5(C))
DHCS DMC-ODS
Intergovernmental Agreement (IA) (Exhibit A, Attachment I, Articles II.C, II.H.2, III.HH, III.RR, III.VV)
DHCS DMC Contract
Welfare and Institutions Code Section 14197.7

BACKGROUND:

Triennial MHP and annual reviews of county DMC/DMC-ODS delivery systems, are conducted by the DHCS Audits and Investigations Division (A&I). In addition, in FY 21/22, the Medi-Cal Behavioral Health Division (MCBHD) County/Provider Operations and Monitoring Branch began conducting compliance monitoring activities previously included in the MHP protocol and DMC/DMC-ODS Monitoring Tools utilized by A&I, as specified in [BHIN 21-056](#). Pursuant to this BHIN, the compliance monitoring activities formerly named Ongoing Compliance Monitoring, will henceforth be titled the ACMA.

POLICY:

DHCS conducts annual compliance monitoring of Medi-Cal behavioral health delivery systems to reduce the scope of the MHP triennial and DMC/DMC-ODS annual compliance reviews performed by A&I and to create a streamlined process that will:

- Improve beneficiary access to informing materials (e.g., provider directory) by reviewing materials on a more frequent basis and providing feedback to the county behavioral health programs;
- Identify processes and/or documents that need to be updated; and
- Provide timely training and technical assistance (TA) support to help behavioral health programs establish and maintain compliance.

KEY CHANGES:

In FY 21/22, DHCS noted increased compliance and/or resolution with requirements reviewed pursuant to BHIN 21-056, and through the Corrective Action Plan (CAP) process. In response, beginning FY 22/23, the amount of documentation Medi-Cal behavioral health delivery systems must submit is being reduced. As result, MHPs and DMC-ODS counties shall comply with requirements specified in attestation forms DHCS [1738](#) and DHCS [1730](#) (enclosed).

The DHCS MCBHD will continue to perform annual reviews of documentation for the following requirements:

- Provider Directories (MHP, DMC-ODS)¹
- DMC Provider Monitoring Reports (DMC-ODS, DMC)²

NOTE: DMC and DMC-ODS counties shall continue to submit DMC Provider Monitoring Reports as required in the contract or Intergovernmental Agreement. The DMC Provider Monitoring Report will be monitored on an ongoing basis and the compliance status for the FY that just concluded will be compiled at the beginning of each new FY. This will give DMC and DMC-ODS counties the

¹ 42 C.F.R. § 438.10; Cal. Code Regs., tit. 9 § 1810.360; MHP Contract 2022-2027, Ex. A, Att. 11; DMC-ODS IA, Exhibit A, Att. 1, Article II.B.2.x, II.B.2.iv.a-e.

² DMC-ODS IA, Exhibit A, Att. 1, Article III.VV.1.i.d; DMC Contract.

opportunity to complete the DMC provider monitoring activities and submit the report to DHCS as required.

DHCS shifted the following requirements to the MHP and DMC-ODS Attestation forms enclosed with this BHIN, where MHPs and DMC-ODS counties must complete all applicable forms and attest to ongoing compliance. These forms do not apply to DMC counties.

- Advance Directives (MHP)³
- Implementation Plans (MHP)⁴
- Language and Format Requirements (MHP, DMC-ODS)⁵
- Provider Selection and Monitoring (MHP)⁶

Document Submission

Medi-Cal behavioral health delivery systems must submit the following documents annually by first business day of November via the secure managed file transfer system utilized by DHCS.

- Specialty Mental Health Services
 - MHP Attestation ([DHCS 1738](#))
 - Provider Directory – in threshold language(s)
- Drug Medi-Cal-Organized Delivery System
 - DMC-ODS Attestation ([DHCS 1730](#))
 - Provider Directory – in threshold language(s)

ACMA Review

DHCS will confirm receipt of the documents within 15 business days of the November submission, and will follow-up with behavioral health programs if documents are missing and/or need to be resubmitted. During the review process, Medi-Cal behavioral health delivery systems will be contacted by their County Liaison to discuss any requirements that need corrections and/or additional documentation, as well as receive TA. Medi-Cal behavioral health delivery systems may submit corrections and/or additional documentation within 30 business days from the Liaison's requests. If the Medi-Cal behavioral health delivery system does not submit the requested corrections and/or additional documentation within 30 business days or corrections are incomplete, then a

³ 42 C.F.R §§ 438.3(j) and 489.100; Cal. Code Regs., tit. 9 § 1810.360 (g); MHP Contract 2022-2027, Ex. A, Att.11.

⁴ Cal. Code Regs., tit. 9 §§ 1810.310 and 1850.205-1850.208; MHP Contract 2022-2027, Ex. A, Att. 1 and Ex. E.

⁵ 42 C.F.R. § 438.10; Cal. Code Regs., tit. 9 § 1810.410; MHP Contract 2022-2027, Ex. A, Att. 11.

⁶ 42 C.F.R. § 438.214; Cal. Code Regs., tit. 9 § 1810.435; MHP Contract 2022-2027, Ex. A, Att. 8.

CAP is required, as described below. After the review is completed, DHCS will notify the Medi-Cal behavioral health delivery systems of the outcome, by issuing a Notice of Finding(s) no later than the end of the FY. Medi-Cal behavioral health delivery systems may contact their Liaison and request TA throughout the FY.

Corrective Action Plans (CAPs)⁷

A CAP is required for findings of non-compliance. Medi-Cal behavioral health delivery systems are required to submit a CAP to DHCS within 60 days of receipt of the Notice of Finding(s). The CAP must include the following information:

- Description of corrective actions, including a timeline for implementation and/or completion of corrective actions;
- Proposed (or actual) evidence of correction that will be submitted to DHCS;
- Processes for monitoring the effectiveness of corrective actions over time; and
- Descriptions of corrective actions required of the county's contracted providers to address findings.

DHCS will confirm receipt of the CAP within 15 business days of submission, and will follow-up with county Medi-Cal behavioral health delivery systems if the CAP documents are missing required elements and/or need to be resubmitted. After submission of the CAP, should DHCS determine that the CAP is insufficient, the Medi-Cal behavioral health delivery system shall propose an alternative corrective action plan to DHCS.

Medi-Cal behavioral health delivery systems must submit CAP(s) electronically via **secure** email (i.e., using encryption and typing [secure] in the subject line of the email) to MCBHDMonitoring@dhcs.ca.gov.

For questions regarding this BHIN, please contact DHCS at MCBHDMonitoring@dhcs.ca.gov.

Sincerely,

Original signed by

Ivan Bhardwaj, Acting Chief
Medi-Cal Behavioral Health Division

Enclosures

⁷ Welf. & Inst. Code § 14197.7(d); DMC Contract.