



MICHELLE BAASS
DIRECTOR

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



GAVIN NEWSOM
GOVERNOR

DATE: December 16, 2022

Behavioral Health Information Notice No.: 22-062

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: Complaints and Investigations of Medi-Cal Peer Support Specialist Certification Programs

PURPOSE: To provide Information Regarding DHCS Oversight of Peer Support Specialist Certification Programs.

REFERENCE: [Behavioral Health Information Notice \(BHIN\) 22-026](#); [BHIN 22-018](#); [BHIN 21-041](#); [Welfare and Institutions Code \(W&I\), Division 9, Part 3, Article 1.4, Chapter 7; W&I § 14045.21](#)

Background:

With the Department of Health Care Services' (DHCS) approval, counties, or an agency representing a county, may develop a peer support specialist certification program in accordance with statute and any standards established by the Department of Health Care Services (DHCS). (W&I § 14045.14.) That county, or an agency representing that county, (hereafter referred to as a Medi-Cal Peer Support Specialist Certification Program) shall oversee and enforce the certification requirements developed.

Pursuant to DHCS' authority to approve a county or an agency representing a county's development of a Peer Support Specialist Certification Program, counties or agencies representing a county are required to submit to periodic DHCS review to ensure adherence to all federal and state requirements. (W&I § 14045.14.) This BHIN outlines

the process for investigation of complaints regarding Medi-Cal Peer Support Specialist Certification Programs and implementing corrective action, including suspension and revocation of certification and appeals for Medi-Cal Peer Support Specialist Certification Programs.

POLICY:

DHCS will conduct a review of a Medi-Cal Peer Support Specialist Certification Program upon receipt of a complaint regarding the violation of an applicable law or guidance, such as [W&I 14045.10 – 14045.21](#); [BHIN 21-041](#), [BHIN 22-018](#), and [BHIN 22-026](#).

DHCS will not conduct a review pertaining to complaints against individual Medi-Cal Peer Support Specialists. A Medi-Cal Peer Support Specialist Certification Program must conduct reviews pertaining to complaints against individual Medi-Cal Peer Support Specialists who have been issued a certification by the same Medi-Cal Peer Support Specialist Certification Program.

Complaints regarding Medi-Cal Peer Support Specialist Certification Programs may be submitted to DHCS at peers@dhcs.ca.gov or submitted by mail to: Department of Health Care Services, Behavioral Health MS 2710, P.O. Box 997413, Sacramento, CA 95899-7413.¹

Complaints regarding Medi-Cal Peer Support Specialist Certification Programs may only be submitted by persons who have applied for Medi-Cal Peer Support Specialist Certification (regardless of certification status), their designated representative, a staff member from the Medi-Cal Peer Support Specialist Certification Program, or a county staff member with a concern from the county that the Medi-Cal Peer Support Specialist Certification Program represents. Upon receiving such a complaint, DHCS will complete the following steps:

- 1) DHCS will determine whether it is the appropriate entity to investigate the complaint. DHCS has authority to investigate a complaint when a Medi-Cal Peer Support Specialist Certification Program allegedly violates an applicable law or the standards set forth in a Behavioral Health Information Notice (see [W&I 14045.10 – 14045.21](#); [BHIN 21-041](#), [BHIN 22-018](#), and [BHIN 22-026](#).) The complaint does not need to be filed with the certifying program before it is filed with DHCS.

¹ Complaints regarding individual Medi-Cal Peer Support Specialists must be submitted to the Medi-Cal Peer Support Specialist Certification Program.

- 2) The DHCS investigation may include:
 - a. Reviewing the Medi-Cal Peer Support Specialist Certification Program's policies and procedures;
 - b. Contacting the complainant to gather any available information or documentation to support the complainant's allegations; or
 - c. Contacting the Medi-Cal Peer Support Specialist Certification Program to gather any available information or documentation regarding the complaint's allegations.

- 3) If DHCS finds that the Medi-Cal Peer Support Specialist Certification Program has violated applicable law or standards:
 - a. DHCS will issue an investigative report outlining the findings to the Medi-Cal Peer Support Specialist Certification Program. The Medi-Cal Peer Support Specialist Certification Program must submit to DHCS a signed copy of the investigative report and a signed copy of a Corrective Action Plan (CAP) within 15 calendar days of receiving the investigative report. A CAP must include the following information:
 - i. Description of corrective actions, including milestones;
 - ii. Timeline for implementation and/or completion of corrective actions;
 - iii. Proposed (or actual) evidence of correction that will be submitted to DHCS;
 - iv. Mechanism for monitoring the effectiveness of corrective actions over time; and
 - v. Descriptions of corrective actions required to address findings.
 - b. DHCS will provide notice to the complainant that the complaint was received and is being investigated and will provide notice to the complainant regarding findings and/or resolution of the complaint.

- 4) DHCS will notify the Medi-Cal Peer Support Specialist Certification Program whether a CAP is approved or denied for implementation.

- 5) If the CAP is denied, the Medi-Cal Peer Support Specialist Certification Program will have 15 calendar days from the date the CAP is denied to submit a revised CAP. The Medi-Cal Peer Support Specialist Certification Program may request technical assistance from DHCS if needed.

If a revised CAP is not resubmitted within 15 calendar days from the date the initial CAP is denied and subsequently approved by DHCS, the certification program will be suspended from processing any new Medi-Cal Peer

Support Specialist applicants. Applicants already undergoing certification at time of suspension may still be processed.

- 6) DHCS will lift a suspension due to a previously denied CAP when it approves the revised CAP as described in steps 4 and 5.
- 7) After DHCS approves the CAP, the Medi-Cal Peer Support Specialist Certification Program must submit evidence to DHCS showing that the CAP was implemented and the correction to the finding(s) was made. DHCS will evaluate the evidence and determine whether the finding(s) has been resolved. If the finding(s) has been resolved, DHCS will issue a resolution letter to the Medi-Cal Peer Support Specialist Certification Program. If the Medi-Cal Peer Support Specialist Certification Program does not submit evidence of correction, DHCS may suspend the Medi-Cal Peer Support Specialist Certification Program from engaging in certifying activities.

A Medi-Cal Peer Support Specialist Certification Program whose approval is suspended may request an appeal by sending an email to peers@dhcs.ca.gov. Request for appeals must be sent within 7 calendar days from the date of the notification of the suspension.

Questions regarding this BHIN may be submitted via email to peers@dhcs.ca.gov.

Sincerely,

Original signed by

Ivan Bhardwaj, Acting Chief
Medi-Cal Behavioral Health Division