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DIRECTOR

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



GAVIN NEWSOM
GOVERNOR

DATE: Updated: June 16, 2021

Behavioral Health Information Notice No: 20-014

TO: All County Welfare Directors
All Short-Term Residential Therapeutic Program Providers
All Community Residential Treatment Systems/Social Rehabilitation Program Providers
All Community Treatment Facilities
All Special Treatment Program Providers
California Department of Social Services
California Department of Public Health
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 Consortium of Addiction Programs and Professionals
California Council of Community Behavioral Health Agencies
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
Local Mental Health Boards

SUBJECT: Flexibility for residential mental health facilities during the COVID-19 public emergency Flexibility expires June 30, 2021

PURPOSE: Provide guidance on the availability of flexibility for program and administrative functions to ensure children with severe emotional disturbance and adults with serious mental illness receive uninterrupted services in residential and inpatient settings during the COVID-19 public emergency.

REFERENCE: California Department of Social Services:
[Provider Information Notice \(PIN\) 20-04-CCLD](#),
[PIN-20-04-CRP](#) and [PIN 20-09-CCLD](#).

BACKGROUND:

Governor Newsom issued Executive Order N-55-20 in response to the COVID-19 public health emergency. The Executive Order permits the California Department of Health Care Services (DHCS) to provide flexibility for Short-Term Residential Treatment Programs (STRTP), Community Residential Treatment Systems/Social Rehabilitation Programs (CRTS/SRP), Community Treatment Facilities (CTF), and Special Treatment Programs (STP) to ensure uninterrupted care. The executive order allows DHCS to grant some flexibility in the applicable provisions in Welfare and Institutions Code, state regulations, and/or policies or procedures for facilities with a mental health program approval (MHPA), mental health program certification, or are currently seeking an approval or certification.

POLICY:

DHCS expects programs to take all appropriate and necessary measures to ensure children and adults can access all medically necessary mental health services while operating during the public emergency.

Requests for flexibility for specific state regulatory standards and requirements pursuant to the Executive Order will be considered on a case-by-case basis. Additionally, STRTPs with a MHPA operating in a county where the local Mental Health Plan (MHP) has the delegated authority to perform the MHPA tasks will need to submit their flexibility requests to DHCS, as DHCS has the granting authority.

Providers can submit flexibility requests to DHCS for the following programmatic and administrative requirements:

Update: flexibility ends 6/30/21

1. Programmatic and Operational Flexibility:

- Increasing client length of stay;
- Adjusting mental health program staff scheduling;
- Changing mental health programs staffing ratios; or
- Altering socialization and group programming within the program and general community.

2. Administrative Flexibility:

- Allowing initial facility certification through virtual review, while deferring initial on-site reviews;
- Allowing renewal of certification or approval while deferring annual on-site reviews;
- Submission of documentation, as part of a facilities certification or approval in lieu of on-site reviews; or

- Delays in on-site reviews, or requests to conduct virtual reviews as result of a reported incident.

Requests shall be submitted in writing and shall include sufficient information to support the request. Requests shall explain how the health and safety of persons in care will be maintained and how the mental health services will continue to be available during the period of time in which the program will be operating with flexibility. Additionally, copies of approved licensing waivers or flexibility that have been granted by California Department of Social Services (CDSS), whether they are statewide waivers, or waivers requiring written requests, may be required to be provided in the requests to DHCS.

All requests for flexibility are to be submitted to the following e-mail addresses:

- STRTPs submit to: STRTP@dhcs.ca.gov
- CRTS/SRP, STP, and CTFs submit to: CSDTRPU@dhcs.ca.gov

There is no need to submit a flexibility request regarding on-site reviews because DHCS will determine on a case-by-case basis whether to suspend or delay any initial on-site review, annual on-site review, or inspection. Those flexibility requests submitted and approved allowing programmatic and administrative flexibility will continue until the public emergency ends or until such time DHCS deems necessary. Flexibility requested pursuant to this information notice will be considered in an expedited manner on a case-by-case basis, and if granted, DHCS will notify the requestor via e-mail and all requests for flexibility approved under this process will be posted via a link on the [DHCS COVID-19](#) website.

DHCS will continue to provide virtual technical assistance and oversight to residential providers with a mental health program certification or approval. For questions about this IN, please contact the appropriate program email listed above.

Sincerely,

Original signed by

Marlies Perez, Chief
Community Services Division