



MICHELLE BAASS
DIRECTOR

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



GAVIN NEWSOM
GOVERNOR

May 4, 2022

Sent via e-mail to: genevieve.valentine@countyofmerced.com

Genevieve Valentine, LMFT, Director
Merced County Behavioral Health and Recovery Services
P. O. Box 2087
Merced, CA 95344

SUBJECT: Annual DMC-ODS County Compliance Unit Findings Report

Dear Director Valentine:

The Department of Health Care Services (DHCS) is responsible for monitoring compliance to the requirements of the Drug Medi-Cal Organized Delivery System (DMC-ODS) Waiver and the terms of the Intergovernmental Agreement operated by Merced County.

The County Compliance Unit (CCU) within the Audits and Investigations Division (A&I) of DHCS conducted a review of the County's compliance with contract requirements based on responses to the monitoring instrument, discussion with county staff, and supporting documentation provided by the County.

Enclosed are the results of Merced County's State Fiscal Year 2021-22 DMC-ODS compliance review. The report identifies deficiencies, required corrective actions, new requirements, advisory recommendations, and referrals for technical assistance.

Merced County is required to submit a Corrective Action Plan (CAP) addressing each compliance deficiency (CD) noted to the Medi-Cal Behavioral Health Division (MCBHD), Plan and Network Monitoring Branch (PNMB), County/Provider Operation and Monitoring Branch (CPOMB) Analyst by 7/5/2022. Please use the enclosed CAP form and submit the completed CAP and supporting documentation via email to the CPOMB liaison at MCBHDMonitoring@dhcs.ca.gov.

If you have any questions or need assistance, please contact me at michael.bivians@dhcs.ca.gov.

Sincerely,

Michael Bivians
(916) 713-8966

Audits and Investigations Division
Medical Review Branch
Behavioral Health Compliance Section
County Compliance Unit
1500 Capitol Ave., MS 2305
Sacramento, CA 95814
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Distribution:

To: Director Valentine,

CC: Mateo Hernandez, Audits and Investigations, Medical Review Branch Acting Chief
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Sergio Lopez, County/Provider Operations Monitoring Section I Chief
MCBHDMonitoring@dhcs.ca.gov, County Provider Operations and Monitoring Branch
Lidia Caza-Burdick, Merced County SUD Services Division Director

COUNTY REVIEW INFORMATION

County:

Merced

County Contact Name/Title:

Lidia Caza-Burdick, LCSW, SUD Services Division Director

County Address:

P. O. Box 2087
Merced, CA 95344

County Phone Number/Email:

(209) 381-6802
lidia.caza-burdick@countyofmerced.com

Date of DMC-ODS Implementation:

1/1/2019

Date of Review:

3/16/2022

Lead CCU Analyst:

Michael Bivians

Assisting CCU Analyst:

N/A

Report Prepared by:

Michael Bivians

Report Approved by:

Ayesha Smith

REVIEW SCOPE

- I. Regulations:
 - a. Special Terms and Conditions (STCs) for California's Medi-Cal 2020 section 1115(a) Medicaid Demonstration STC, Part X: Drug Medi-Cal Organized Delivery System
 - b. Code of Federal Regulations, Title 42, Chapter IV, Subchapter C, Part 438; section 438.1 through 438.930: Managed Care

- II. Program Requirements:
 - a. Fiscal Year (FY) 2020-21 Intergovernmental Agreement (IA)
 - b. Fiscal Year (FY) 2021-22 Intergovernmental Agreement (IA)
 - c. Mental Health and Substance Use Disorders Services (MHSUDS) Information Notices
 - d. Behavioral Health Information Notices (BHIN)

ENTRANCE AND EXIT CONFERENCE SUMMARIES

Entrance Conference:

An Entrance Conference was conducted via WebEx on 3/16/2022. The following individuals were present:

- Representing DHCS:
Michael Bivians, County Compliance Monitoring II (CCM II) Unit Chief
Natalia Krasnodemsky, County/Provider Operations & Monitoring Branch (CPOMB) Liaison
Kathryn Sears, CPOMB Unit Chief

- Representing Merced County:
Sharon Mendonca, Assistant Director - Administration
Jacqueline Coulter, LMFT, Assistant Director - Clinical
Lidia Caza-Burdick, LCSW, SUD Services Division Director
Trechann Barber, QPM Director
Tina Machado, Director Administration Services
Jin Soofi, M.D., Medical Director
Carolyn Walters, LMFT, SUD Program Manager
Cara Rupp, LCSW, Program Manager
Manjit Kaur, Fiscal Services Manager
Maria Acevedo, Staff Services Analyst
Yiguo Zhang, Staff Services Analyst
Jose Lopez, Staff Services Analyst
Christina Dupont, Staff Services Analyst
Brian Sterkeson, Staff Services Analyst
Villyginn Morris, Quality Assurance Specialist
Christine Lockerby, Quality Assurance Specialist
Maria Olvera, BHRS Coordination
Sharon Jones, LMFT, MHSA Coordinator

During the Entrance Conference, the following topics were discussed:

- Introductions
- Overview of the review process

Exit Conference:

An Exit Conference was conducted via WebEx on 3/16/2022. The following individuals were present:

- Representing DHCS:
Michael Bivians, CCM II Unit Chief
Natalia Krasnodemsky, CPOMB Liaison
Kathryn Sears, CPOMB Unit Chief

- Representing Merced County:
Sharon Mendonca, Assistant Director - Administration
Jacqueline Coulter, LMFT, Assistant Director - Clinical
Lidia Caza-Burdick, SUD Services Division Director
Trechann Barber, QPM Director
Tina Machado, Director Administration Services
Jin Soofi, M.D., Medical Director
Carolyn Walters, LMFT, SUD Program Manager
Cara Rupp, LCSW, Program Manager
Manjit Kaur, Fiscal Services Manager
Maria Acevedo, Staff Services Analyst
Yiguo Zhang, Staff Services Analyst
Jose Lopez, Staff Services Analyst
Christina Dupont, Staff Services Analyst
Brian Sterkeson, Staff Services Analyst
Villyginn Morris, Quality Assurance Specialist
Christine Lockerby, Quality Assurance Specialist
Maria Olvera, BHRS Coordination
Sharon Jones, LMFT, MHSA Coordinator

During the Exit Conference, the following topics were discussed:

- Follow-up documentation due date
- Feedback on monitoring protocols

SUMMARY OF FY 2021-22 COMPLIANCE DEFICIENCIES (CD)

<u>Section:</u>	<u>Number of CD's</u>
1.0 Availability of DMC-ODS Services	3
2.0 Coordination of Care	0
3.0 Quality Assurance and Performance Improvement	0
4.0 Access and Information Requirements	4
5.0 Beneficiary Rights and Protections	0
6.0 Program Integrity	0

CORRECTIVE ACTION PLAN (CAP)

Pursuant to the Intergovernmental Agreement, Exhibit A, Attachment I, Part III, Section KK, 2, i each CD identified must be addressed via a CAP. The CAP is due within sixty (60) calendar days of the date of this monitoring report.

Please provide the following within the completed FY 2021-22 CAP:

- a) DHCS' CAP Template used to document process.
- b) A list of action steps to be taken to correct the CD.
- c) The name of the person who will be responsible for corrections and ongoing compliance.
- d) Provide a specific description on how ongoing compliance is ensured
- e) A date of completion for each CD.

The CPOMB liaison will monitor progress of the CAP completion.

Category 1: AVAILABILITY OF DMC-ODS SERVICES

A review of the administrative trainings, policies and procedures was conducted to ensure compliance with applicable regulations, and standards. The following deficiencies in availability of DMC-ODS services were identified:

COMPLIANCE DEFICIENCIES:

CD 1.4.4:

Intergovernmental Agreement Exhibit A, Attachment I, III, A, 1, ii

- ii. Non-professional staff shall receive appropriate onsite orientation and training prior to performing assigned duties. A professional and/or administrative staff shall supervise non-professional staff.

Findings: The Plan did not provide evidence demonstrating the monitoring of non-professional staff employed by subcontractors receive appropriate onsite orientation and training prior to performing assigned duties.

CD 1.4.8:

Intergovernmental Agreement Exhibit A, Attachment I, III, A, 1, iv

- iv. Physicians shall receive a minimum of five hours of continuing medical education related to addiction medicine each year.

Findings: The Plan did not provide evidence demonstrating Merced County's physician received the annual five (5) hours of continuing medical education units in addiction medicine. Specifically:

- The continuing medical education submitted for calendar year 2020 for Merced County's physician, Dr. Jin Soofi, were not related to addiction medicine.

CD 1.4.9:

Intergovernmental Agreement Exhibit A, Attachment I, III, A, 1, v

v. Professional staff (LPHAs) shall receive a minimum of five hours of continuing education related to addiction medicine each year.

Findings: The Plan did not provide evidence demonstrating Merced County's professional staff (LPHAs) received the annual five (5) hours of continuing education units in addiction medicine. Specifically:

- The continuing education units for Cara Rupp were not submitted for calendar year 2020.

The Plan did not provide evidence demonstrating Community Social Model Advocates professional staff (LPHA) received the annual five (5) hours of continuing education in addiction medicine.

Specifically:

- The continuing education units submitted for calendar year 2019 for Heather Turey totaled only three (3) hours.
- The continuing education units submitted for calendar year 2020 for Heather Turey totaled only three (3) hours.
- The continuing education units submitted for calendar year 2020 for Tim Sinnott totaled only three (3) hours.

The Plan did not provide evidence demonstrating the Aegis Treatment Centers professional staff (LPHA) received the annual five (5) hours of continuing education in addiction medicine. Specifically:

- The Plan submitted continuing education units for only one (1) of three (3) subcontractor LPHA staff for calendar years 2019 and 2020.

Category 4: ACCESS AND INFORMATION REQUIREMENTS

A review of the access and information requirements for the access line, language and format requirements and general information was conducted to ensure compliance with applicable regulations and standards. The following deficiencies in access and information requirements were identified:

COMPLIANCE DEFICIENCIES:

CD 4.2.2:

Intergovernmental Agreement Exhibit A, Attachment I, III, F, 3, x

x. Have a 24/7 toll free number for prospective beneficiaries to call to access DMC-ODS services and make oral interpretation services available for beneficiaries, as needed.

Intergovernmental Agreement Exhibit A, Attachment I, III, CC, 5

5. The QM Program shall conduct performance-monitoring activities throughout the Contractor's operations. These activities shall include, but not be limited to, beneficiary and system outcomes, utilization management, utilization review, provider appeals, credentialing and monitoring, and resolution of beneficiary grievances.

Findings: On 2/24/2022, DHCS completed three calls to the Plan's 24/7 toll free number posted on the County's website. The responses to the test calls resulted in a barrier to access DMC-ODS services for prospective beneficiaries calling. The test calls are summarized below:

Test Call 1 is determined to be out of compliance. On 2/24/2022, at 7:20 a.m., a call was made to Merced County's 24/7 toll free phone number (888) 334-0163. DHCS used a cell phone with an area code located outside of California. DHCS received a recorded message stating, "You have dialed a number that is not available from your calling area." The message repeated twice and the call was disconnected. This call was repeated two more times immediately after the first call with the same result.

Test Call 2 is determined to be out of compliance. On 2/24/2022, at 7:39 a.m., a call was made to Merced County's Adult Treatment facility, The Center, at (209) 381-6850. DHCS was connected to a recording indicating this phone number is available for callers only between 8:00 a.m. and 5:00 p.m.; for emergencies please call (209) 381-6800.

DHCS called (209) 381-6800 at 7:40 a.m. and received prompts to press a number for English, Spanish and another language. DHCS remained on the line and did not press a number prompt. Wendy from BHRS answered the call after a 55 second wait on the line. Wendy identified the phone number (209) 381-6800 as belonging to an after-hours crisis line.

DHCS presented a request for information related to a relative's addiction problem and inquired about how to get the potential beneficiary into treatment services.

Wendy responded by trying to establish the beneficiary's Medi-Cal eligibility for Merced County. Wendy was told the beneficiary is Medi-Cal eligible in another County and she encouraged the caller to follow the process to transfer eligibility to Merced so the beneficiary could receive services. Wendy

stated the beneficiary may not be able to receive services until eligibility transferred to Merced County. Wendy went on to explain the treatment process begins with an assessment and encouraged DHCS to call back after 8:00 a.m. to the phone number (209) 381-6850. Wendy requested contact information for the beneficiary and stated she would reach out to the appointment team, make some arrangements and call back with additional information. Wendy was provided contact information and the call was ended.

Test Call 3 is determined to be out of compliance. On 3/8/2022, at 4:38 p.m., a call was made to Merced County's Adult Treatment facility, The Center, at (209) 381-6850. Following a single ring, Jennifer answered the call. DHCS presented a request for information related to a relative's addiction problem and inquired about how to get the potential beneficiary into treatment services. Jennifer explained an assessment must be conducted to determine the appropriate level of care and asked for details regarding the potential beneficiary. DHCS provided the details and Jennifer attempted to verify eligibility electronically stating to DHCS the details provided did not "come up" in her system. Jennifer stated the caller needed to be transferred to the Access Unit and she transferred the call without staying on the line to ensure it was connected.

After six rings, DHCS received a recorded message in both English and Spanish requesting contact information be left on the recorder and someone would return the call. No message was left and once the recorded message was done, the line disconnected.

CD 4.3.1:

Intergovernmental Agreement Exhibit A, Attachment I, III, Y, 4, i

4. Hatch Act

- i. Contractor agrees to comply with the provisions of the Hatch Act (Title 5 USC, Sections 1501-1508), which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

Intergovernmental Agreement Exhibit A, Attachment I, III, Y, 18, i

18. Subcontract Provisions

- i. Contractor shall include all of the foregoing provisions in all of its subcontracts.

Findings: The Plan did not provide evidence demonstrating County and subcontractor compliance with the Hatch Act.

CD 4.3.2:

Intergovernmental Agreement Exhibit A, Attachment I, III, Y, 5, i

5. No Unlawful Use or Unlawful Use Messages Regarding Drugs

- i. Contractor agrees that information produced through these funds, and which pertains to drug and alcohol related programs, shall contain a clearly written statement that there shall be no unlawful use of drugs or alcohol associated with the program. Additionally, no aspect of a drug or alcohol related program shall include any message on the responsible use, if the use is unlawful, of drugs or alcohol (HSC Section 11999-11999.3). By signing this Agreement, Contractor agrees that it shall enforce, and shall require its subcontractors to enforce, these requirements.

Intergovernmental Agreement Exhibit A, Attachment I, III, Y, 18, i

18. Subcontract Provisions

- i. Contractor shall include all of the foregoing provisions in all of its subcontracts.

Findings: The Plan did not provide evidence demonstrating subcontractor compliance with No Unlawful Use or Unlawful Use Messages Regarding Drugs.

CD 4.3.3:

Intergovernmental Agreement Exhibit A, Attachment I, III, Y, 7, i

7. Limitation on Use of Funds for Promotion of Legalization of Controlled Substances

- i. None of the funds made available through this Agreement may be used for any activity that promotes the legalization of any drug or other substance included in Schedule I of Section 202 of the Controlled Substances Act (21 USC 812).

Intergovernmental Agreement Exhibit A, Attachment I, III, Y, 18, i

18. Subcontract Provisions

- i. Contractor shall include all of the foregoing provisions in all of its subcontracts.

Findings: The Plan did not make available evidence demonstrating subcontractor compliance with the Limitation on Use of Funds for Promotion of Legalization of Controlled Substances.

TECHNICAL ASSISTANCE

Merced County did not request Technical Assistance during this review.