



C A L I F O R N I A D E P A R T M E N T O F

Mental Health

1600 9th Street, Sacramento, CA 95814
(916) 654-2309

November 16, 2001

DMH LETTER NO.: 01-07

TO: LOCAL MENTAL HEALTH DIRECTORS
LOCAL MENTAL HEALTH PROGRAM CHIEFS
LOCAL MENTAL HEALTH ADMINISTRATORS
COUNTY ADMINISTRATIVE OFFICERS
CHAIRPERSONS, LOCAL MENTAL HEALTH BOARDS

SUBJECT: EARLY AND PERIODIC SCREENING, DIAGNOSIS AND
TREATMENT AND THERAPEUTIC BEHAVIORAL SERVICES
NOTICES

As a result of the Judgment and Permanent Injunction in Emily Q. v. Bontá (C.D.Cal., 2001, CV 98-4181 AHM (AIJx)), the Department of Mental Health (DMH) and Mental Health Plans (MHPs) must provide notices regarding Early and Periodic Screening, Diagnosis and Treatment (EPSDT) and Therapeutic Behavioral Services (TBS) to Medi-Cal beneficiaries and their representatives following the general procedures described in this letter. The Department of Health Services (DHS) prepared the required notice regarding EPSDT (enclosed as Attachment A). DMH prepared the required notice regarding TBS (enclosed as Attachment B).

MHP Responsibilities for EPSDT and TBS Notices

MHPs must provide EPSDT and TBS notices to children and youth who are under 21 years of age and have full-scope Medi-Cal and their de facto or legally authorized representatives beginning November 26, 2001, in the instances described below and summarized on Attachment C.

- At the time of admission to a skilled nursing facility with a special treatment program for the mentally disordered (SNF/STP) or a Mental Health Rehabilitation Center (MHRC) that has been designated as an institution for mental diseases (IMD).
- At the time of placement in a Rate Classification Level (RCL) 13—14 foster care group home.



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www.dmh.cahwnet.gov

- At the time of placement in an RCL 12 foster care group home if the MHP is involved in the placement.

Three additional aspects of the MHP notice requirements should be noted:

- EPSDT and TBS notices are required prior to placement in an RCL 12 group home if the MHP is involved in placement. The court order defines MHP involvement in an RCL 12 placement as “(1.) the MHP has participated in an interagency review prior to placement; and (2.) the child is receiving MHP services or has received an MHP assessment and the MHP participates in the placement discussion; or (3.) the MHP has done a screening or assessment prior to placement under the provisions of SB 933.”
- EPSDT and TBS notices must be sent to children and youth and at least one adult who is a de facto or legally authorized representative of the child or youth if there is any such adult. The court order defines authorized representative as: “. . . any person or entity authorized by law to act on behalf of any client or any person or entity in fact acting on behalf of or helping provide support for any client. Such a person or entity may include but not be limited to a minor's parent, a legal guardian, a conservator or public placement agency. See Cal. Code Regs. Tit. 22, § 80001(a)(9)(2000).”
- MHPs also have responsibilities to provide copies of the EPSDT and TBS notices to county child welfare/social service agencies or county dependency courts and dependency attorneys (described in more detail below).

The court order also requires MHPs to provide notices to children and youth and their representatives at the time of emergency psychiatric admission to MHP contract hospitals. The effective date of this notice requirement has been delayed pending the outcome of State discussions with attorneys for the plaintiffs. DMH will notify MHPs of their obligations regarding this notice requirement when specifics are determined.

DMH EPSDT/TBS Notice Responsibilities

DMH will be providing EPSDT and TBS notices to children and youth who are under 21 years of age and have full-scope Medi-Cal and to their authorized representatives in the instances described below and also summarized on Attachment C.

- At the time of admission to Metropolitan and Napa State Hospitals, except when the child or youth is committed by order of the court.
- When Metropolitan and Napa State Hospitals are informed that a child or youth is being considered for admission.
- On a one-time basis, to children and youth currently residing in RCL 12—14 foster care group homes.

MHP Processes for Distribution of EPSDT and TBS Notices

MHPs must begin providing the EPSDT and TBS notices for which they are responsible effective November 26, 2001. DMH has consulted with a County Mental Health Directors' Association (CMHDA) workgroup and the CMHDA Children's System of Care Committee to provide the following ideas on processes the MHPs could follow to meet the requirement to provide EPSDT and TBS notices to children and youth and at least one adult who is the de facto or legally authorized representative of the child or youth. The suggested processes by specific situation are described below.

Suggested noticing process at the time of an admission to a SNF/STP or MHRC that is designated as an IMD.

- Require the SNF/STP and MHRC IMDs to provide the EPSDT and TBS notices by including the notice requirement in the contract between the facility and the county.
- Assign the person doing the assessment of the child or youth for admission to the SNF/STP or MHRC IMD the responsibility to deliver the required EPSDT and TBS notices.

Suggested noticing process at the time of admission to an RCL 13—14 foster care group home and to an RCL 12 foster care group home when the MHP is involved in the placement.

- Assign the county Interagency Placement Team responsible for certifying children being placed in RCL 13 and 14 foster care group homes the responsibility of providing the EPSDT and TBS notices.
- Assign MHP staff responsible for monitoring residential placements the responsibility of providing the EPSDT and TBS notices.

- Enter into memoranda of understanding (MOUs) with RCL 12—14 group homes that they will provide the EPSDT and TBS notices to eligible children and youth at the time of placement.

Additional MHP Responsibilities for EPSDT and TBS Notices

The court order requires each MHP to attempt to develop an MOU with the county child welfare agency/social service agency or the county dependency court to ensure that copies of the EPSDT and TBS notices are attached to initial court documents filed for all children and youth who go through the dependency courts. A sample letter, including suggested language for an MOU is enclosed as Attachment D.

The court order requires notice be given to all attorneys who have agreed to accept court appointments in dependency proceedings to the extent that these names are available from the dependency court. A suggested draft of a letter to dependency attorneys is enclosed as Attachment E.

Summary of Action Required by MHPs

1. Immediately develop and implement processes to accomplish the MHP notice requirements described in this letter.
2. Immediately initiate discussion with county child welfare/social services agencies or county dependency courts with the goal of developing and signing an MOU on EPSDT/TBS notice responsibilities.
3. Immediately determine if a list of court-appointed dependency attorneys is available. If yes, write to the attorneys, enclosing the EPSDT/TBS notices.
4. Be prepared to assist Metropolitan and Napa State Hospital staff, who also have notice responsibilities under the court order.

The EPSDT notices in English and Spanish may be ordered from the Department of Health Services (DHS) Warehouse. You may call the DHS Warehouse at (916) 928-9203, fax the warehouse at (916) 928-1326, or write to DHS Warehouse, 1037 N. Market Blvd., Suite 9, Sacramento, CA 95834. The DHS Warehouse will forward you a copy of an "ORDER FORM" (DHS 2031 [05/00]). When you receive the ORDER FORM, complete the form with the form number for the EPSDT notice (form numbers **MC Information Notice 003 [06/01]** and **MC Information Notice 003 (SP) [06/01]**) and

specify the number of copies you need in each language you want. Copies are available at no charge. Both the English and Spanish versions of the EPSDT notice are included in Attachment A. Until the order is filled, EPSDT notices may be reproduced from Attachment A. The EPSDT notice is intended to be a two-sided, double-fold pamphlet. The TBS notices may be reproduced from Attachment B. DMH has arranged for the translation of the TBS notice into the State's threshold languages and will provide MHPs with copies as soon as they are available.

The DMH Technical Assistance and Training Unit will be following up with the MHPs to identify the processes being used to provide the required notices before the end of February 2002. If you have questions or need additional information, please contact your liaison in the Technical Assistance and Training Unit below.

DMH Technical Assistance and Training Liaisons

Bay Area Region	Ruth Walz	(707) 252-3168
Central Region	Anthony Sotelo	(916) 651-6848
Northern Region	Jake Donovan	(916) 651-9867
Southern Region	Eddie Gabriel	(916) 654-3263

Sincerely,

Original signed by

STEPHEN W. MAYBERG, Ph.D.
Director

Enclosures

cc: California Mental Health Planning Council
Chief, Technical Assistance and Training