



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

Mental Health

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October 21, 2004

DMH LETTER NO.: 04-12

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

SUBJECT: CLARIFICATION RE CONTINUING THERAPEUTIC
BEHAVIORAL SERVICES TO CLASS MEMBERS

REFERENCE DMH Letter No.: 99-03

Pursuant to Section C of the Order Regarding Further Relief filed on August 17, 2004 in Emily Q. v. Bontá (C.D.Cal., 2001, CV 98-4181 AHM (AIJx)), the Department of Mental Health (DMH) is issuing this letter to inform mental health plans (MHPs) of the clarification provided by the court regarding the continuation of therapeutic behavioral services (TBS) for class members after they have met the goals in their TBS plans. The court order states that "TBS may be continued even after a child has met the behavior goals in his or her TBS plan when TBS is still medically necessary to stabilize the child's behavior and reduce the risk of regression."

This clarification was originally provided by the court in the Interim Order Clarifying Judgment, Extending Jurisdiction And Directing the Parties to Collaborate Regarding Relief, which was issued on January 29, 2004. The order stated:

The Judgment provides that TBS is a short-term service. However, there is no specific time limit on the duration of TBS. Defendant does not dispute that the decision to provide TBS and the length of time that TBS may continue is determined by the provider's clinical judgment regarding the needs of the child and medical necessity of TBS. . . Accordingly, the Court clarifies that TBS may be continued even after a favorable outcome has been achieved when the provider determines that TBS is still medically necessary. . . For example, TBS may be continued when a child has met the behavior goals in his or her TBS plan, but the provider determines that continuation of TBS is still necessary to stabilize the child's behavior and to reduce the risk of regression.

Please note that this is a clarification of the requirements for the provision of TBS included in DMH Letter No.: 99-03, not a change. With respect to the MHPs' contractual obligations for prior authorization of TBS, MHPs must consider the provider's evaluation of the intensity and duration of TBS necessary to stabilize the beneficiary's behavior and reduce the risk of regression in making decisions on MHP payment authorization requests for reauthorization of TBS.

If you have questions or need additional information, please contact your Medi-Cal contract manager in the County Operations Section. See enclosure for contacts.

Sincerely,

STEPHEN W. MAYBERG, Ph.D.
Director

Enclosure

cc: California Mental Health Planning Council
Chief, County Operations Section