



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) 654-5722

July 15, 2005

DMH INFORMATION NOTICE NO.: 05-08

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/THERAPEUTIC BEHAVIORAL SERVICES FOR
CHILDREN/YOUTH PLACED OUT-OF-COUNTY

REFERENCE: DMH LETTER NO.: 99-03, DMH LETTER NO.: 01-03, DMH
LETTER NO.: 04-12

This Information Notice is being issued to provide clarification for county mental health plans (MHPs), providers and interested stakeholders. The Department of Mental Health (DMH), in collaboration with the Department of Health Services (DHS), is committed to assuring access to mental health services under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program for all children and youth who are Medi-Cal eligible, including those who are placed out-of-county. Pursuant to its obligations under the Emily Q. v. Bontá, (C.D.Cal., 2001, CV 98-4181 AHM (AIJx)) court judgment, DMH is encouraging MHPs to be attentive to the provision of the EPSDT benefit, Therapeutic Behavioral Services (TBS), for children/youth who meet the class membership outlined below and are placed out-of-county. DMH is aware of the challenges MHPs face in providing out-of-county services and is fully committed to assisting and working collaboratively with MHPs in developing and implementing procedures for ensuring timely and effective access to EPSDT mental health services for children/youth placed out-of-county. The purpose of this letter is to provide MHPs with additional information regarding measures that DMH is taking to assure the adequate and appropriate provision of TBS to class members when they are in out-of-county placement and to remind MHPs of their obligation to provide those services.

Class membership under the Emily Q. v. Bontá case as specified in the Judgment and Permanent Injunction includes: "All current and future beneficiaries of the Medicaid program below the age of 21 in California who: (a) are placed in a Rate Classification Level facility of 12 or above and/or a locked treatment facility for the treatment of mental health needs; (b) are being considered for placement in these facilities; or (c) have undergone at least one emergency psychiatric hospitalization related to their current presenting disability within the preceding 24 months." The Judgment and Permanent Injunction incorporates DMH Letter No.: 99-03 by reference. Please see DMH Letter No.: 99-03, Section III, A, B and C (Page3), which further defines all criteria that the child/youth must meet in order to qualify for Medi-Cal reimbursement for this service.

In order to facilitate communication between MHPs regarding children/youth who are placed out-of-county, DMH issued an All County Mental Health Director's letter on April 21, 2005, requesting information that DMH will post on the DMH Website. This information includes each MHP's contact information, including the mental health director, the children's coordinator, the TBS coordinator, the out-of-county placement coordinator, the county contact for TBS authorization and the county contact for county interagency agreements.

In addition, DMH is evaluating MHP compliance with the requirements of Welfare and Institutions (W&I) Code, Section 5777.6 (a) and (b). DMH issued an All County Mental Health Director's letter on May 12, 2005, outlining the amendments for the fiscal year 2005/06 DMH/MHP contracts. Included in these amendments is the following language:

"AA. Reporting on Procedures for Serving Foster Children Placed Out-of-County

The Contractor shall report to the Department by October 1, 2005, on the Contractor's methods for complying with Welfare and Institutions Code, Section 5777.6 (a) and (b). The report shall include a description of the Contractor's procedures, a listing of the mental health plans and providers with whom the contractor has an arrangement, the counties covered by the arrangement, and the capacity of each arrangement by service type. The report shall also include a description of the Contractor's procedures for providing out-of-plan services in accordance with Title 9, CCR, Section 1830.220, when a beneficiary requires services or is placed in a county not covered by the Contractor's normal procedures. Reports shall be submitted to: Medi-Cal Policy and Support, Department of Mental Health, 1600 9th Street, Room 100, Sacramento, CA 95814."

In order to comply with the contract language, each MHP report must include, but is not limited to:

- A description of the Contractor's procedures for providing out-of-plan services;
- Identification of person or persons (including job titles, addresses, and phone and fax numbers) who are responsible for coordinating the provision of EPSDT/TBS to any

child/youth who is placed out-of-county and any child/youth placed in the MHP's county by another county;

- A list of EPSDT/TBS providers with whom the MHP contracts or has an agreement to contract and a list of all the counties in which each of these providers is willing and able to provide EPSDT/TBS;
- A boilerplate copy of any existing standard contract used for provision of EPSDT/TBS out-of-county services;
- A boilerplate copy of any existing MHP's standard Memorandum of Understanding (MOU) or other agreements, e.g. Letter of Intent, between the MHP and other counties, or between the MHP and other agencies, for delivery of EPSDT/TBS to children/youth placed out-of-county; and
- Any other information the MHP feels is relevant to ensuring access to EPSDT/TBS to children/youth placed out-of-county.

DMH recognizes the challenges inherent in developing and implementing procedures for providing EPSDT mental health services to children/youth placed out-of-county and is aware that some MHPs may need technical assistance in overcoming these challenges. DMH's County Operations liaisons are available and dedicated to providing assistance to MHPs in developing and implementing appropriate plans for out-of-county service provision. If you have difficulty establishing any element of these reporting requirements by October 1, 2005, you should immediately contact your DMH County Operations liaison (see Enclosure) for assistance.

Beginning in fiscal year 2006/07, MHPs must annually submit with each contract renewal:

- Any change in personnel who are responsible for coordinating the provision of EPSDT/TBS for any child/youth who is placed out-of-county and any child/youth placed in the MHP's county by another county;
- Changes, additions or reductions of MHP contracts, MOUs or Letters of Intent with other MHPs or other agencies with whom the MHP has agreements that affect the provision of EPSDT/TBS for children/youth placed out-of-county.

MHPs are also reminded of the following:

- MHPs must participate in the interagency placement committee for placement of any child/youth with serious emotional disturbances in a group home program at rate classification level (RCL) 13 or 14 as required under Section 4096 of the W&I Code and complete a TBS certification form documenting that TBS was considered as an

alternate to placement and the reason TBS will not prevent the placement. Please see DMH Letter No.: 01-03;

- MHPs must complete a TBS certification form documenting that TBS was considered as an alternate to placement and the reason TBS will not prevent the placement if the MHP is involved in the placement for a group home at RCL 12;
- MHPs must participate in regularly scheduled placement review or discharge planning meetings for any EPSDT eligible child/youth who is a patient at Metropolitan or Napa State Hospitals and complete a TBS certification form if it is determined that TBS in combination with other EPSDT services would not allow the child/youth to return to a lower level of care;
- MHPs are responsible for notifying DMH as soon as there is a change in county services or providers that affects 25 percent or more of the Contractor's beneficiaries who are receiving services from the contractor;
- TBS may be used when the child/youth needs additional support to transition to a lower level of residential placement. DMH Letter No.: 99-03 states "It is highly likely in the clinical judgment of the mental health provider that without the additional short-term support of therapeutic behavioral services that: Although the child/youth may be stable in the current placement, a change in behavior and symptoms are expected and therapeutic behavioral services are needed to stabilize the child/youth in the new environment."
- TBS may be continued even after a child/youth has met the behavioral goals in his or her TBS plan when TBS is still medically necessary to stabilize their behavior and reduce the risk of regression. Please see DMH Letter No.: 04-12.

DMH is committed to working with you and other individuals from state, county and stakeholder groups to find solutions to problems affecting the provision of adequate and appropriate EPSDT/TBS services for all eligible children/youth.

If you have questions regarding this Information Notice, please contact Ms. Cynthia Rutledge, Staff Mental Health Specialist, Medi-Cal Policy and Support, DMH, by phone at (916) 654-5722 or email at: Cynthia.Rutledge@dmh.ca.gov

Sincerely,

Original signed by:

Robert Garcia

for

STEPHEN W. MAYBERG, Ph.D.

Director

Enclosure

cc: TBS Coordinators
John Lessley, Chief, County Operations
Mateo Munoz, Deputy Attorney General
John Krause, Attorney, Department of Health Services
Melinda Bird, Managing Attorney, Protection and Advocacy, Inc.