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



GAVIN NEWSOM
GOVERNOR

DATE: June 1, 2020

BEHAVIORAL HEALTH INFORMATION NOTICE NO.: 20-019

TO: 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

SUBJECT: Provision of Community Mental Health Services Block Grant for Criminal Justice Populations

PURPOSE

This Department of Health Care Services (DHCS) Behavioral Health Information Notice (BHIN) conveys clarification recently received from the Substance Abuse and Mental Health Services Administration (SAMHSA) to Mental Health Plans (MHPs) and county mental health (MH) departments regarding the use of Community Mental Health Services Block Grant (MHBG) funds for Specialty Mental Health Services for individuals who are on county probation, Post-Release Community Supervision, or in jail, prison, or forensic settings. This BHIN serves to clarify the existing allowability of the services defined herein.

BACKGROUND

SAMHSA allocates MHBG funding to cover MH treatment services for adults with Serious Mental Illness (SMI), children with Serious Emotional Disturbance, and individuals experiencing First Episode Psychosis.

The MHBG program is authorized by Section 1911 of Title XIX, Part B, Subpart I and III of the Public Health Service Act.

DHCS administers the MHBG and allocates funding each year to 57 local county MHPs. The MHPs and their contracted providers deliver a broad array of MH treatment and recovery support services including over 150 individual programs supported by the MHBG program.

DISCUSSION

SAMHSA issued a letter to state commissioners in February of 2020 to clarify that MHBG funds can be used to provide mental health services to individuals who have interactions with the criminal justice system. The clarification letter can be found online at: <https://www.samhsa.gov/sites/default/files/mhbg-funds-commissioner-letter-021120.pdf>.

Allowable MHBG services include 24-hour crisis intervention, day treatment/partial hospitalization, intensive outpatient treatment, and psychiatric rehabilitation services, whether they are provided within jail settings or in community settings. Funding can also be used to screen individuals who may be in need of State hospital services for psychiatric care.

Additionally, individuals with SMI who have been deemed “incompetent to stand trial” (IST) may need “competency restoration” so that they can understand charges against them and participate in their own defense. Competency restoration is a legal term. In medical terms, it includes evaluation, treatment of the psychiatric disorder, and community recovery services.

These services can be delivered either in the community or in the jail, prison, or forensic setting. When provided by a community MH service provider, community-based MH centers, child MH programs, psychosocial rehabilitation programs, MH/peer support services, and MH primary consumer-directed programs. In order to provide services to justice involved individuals, counties must ensure that providers meet all of the current MHBG requirements. The MHBG statute has not changed as part of this clarification. No additional funding has been made available for these services. MHBG funds may not be used to pay for inpatient services, to make cash payments to intended recipients of health care services, to purchase land or improve structural facilities or to purchase major medical equipment, to use as a required match for other federal programs, or to provide financial assistance other than to a public or private, non-profit entity.

POLICY

SAMHSA allowed states to revise their Federal Fiscal Year 2019-20 state MHBG applications to incorporate services delivered in custodial settings as described above. DHCS has submitted California’s revision. DHCS is not requiring counties to revise their

State Fiscal Year (SFY) 2019-20 county applications. MHPs should examine their current approach to providing MH services to the incarcerated SMI population, including individuals receiving competency restoration services, to evaluate how to support these populations with MHBG funds. In SFY 2020-21 and going forward, MHPs may restructure the provision of MHBG-funded services in communities to routinely include community-based MH service providers going into jails and prisons to render necessary psychiatric services. This would include the delivery of comprehensive, individualized treatment and recovery services to those serving sentences. It may also include those receiving competency restoration services, whether incarcerated or living in the community.

QUESTIONS

Questions regarding the content of this BHIN may be directed to Victoria King-Watson, Chief, Operations Branch at Victoria.King-Watson@dhcs.ca.gov.

Sincerely,

Marlies Perez, Chief
Community Services Division