CALIFORNIA DEPARTMENT OF
Mental Health

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

September 23, 2010

DMH INFORMATION NOTICE NO.: 10-20

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

SUBJECT: MENTAL HEALTH PLAN *EMILY Q. v. BONTA* EXIT STRATEGY CERTIFICATION CRITERIA

REFERENCE: *EMILY Q*. v. *BONTA* NINE-POINT IMPLEMENTATION PLAN;
DMH INFORMATION NOTICES 08-38 AND 09-10;
EMILY Q. v. *BONTA* EXIT STRATEGY;
TBS DOCUMENTATION MANUAL;
TBS COORDINATION OF CARE BEST PRACTICES MANUAL

This Department of Mental Health (DMH) Information Notice provides clarification of the requirements set forth by the Federal Court (Court) Special Master for Mental Health Plans (MHPs) to be "certified" as having satisfactorily completed the "Exit Strategy" outlined in the *Emily Q. v. Bonta* Nine-Point Implementation Plan (Plan). The "Exit Strategy" is point nine of the Plan and the overall goal is to increase access and utilization of Therapeutic Behavioral Services (TBS) statewide. For additional information, please refer to the Court ordered Exit Strategy at http://www.dmh.ca.gov/Services_and_Programs/Children_and_Youth/docs/Exit Plan_4-09-09.pdf. The Level II MHPs* may be certified by the Special Master of the Court by achieving one of the following four benchmarks for TBS which are described in greater detail within this Information Notice:

- The Level II MHP has provided TBS at a 4% utilization rate, or above to the *Emily Q*. class members by December 31, 2010, **OR**
- The Level II MHP has a service trajectory to provide TBS at 4%, or above to the *Emily Q*. class members by June 30, 2012, **OR**
- The Level II MHP has provided mental health services that are certified by the Special Master as TBS equivalent and TBS will be combined to obtain a 4% utilization rate by December 31, 2010, **OR**
- The Level II MHP has a TBS level and TBS equivalent services that combine to establish a trajectory TBS level of 4% by June 30, 2012.

*Level II MHPs include: Alameda, Butte, Contra Costa, Fresno, Kern, Los Angeles, Marin, Merced, Monterey, Orange, Placer/Sierra, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Tulare and Ventura.

Implementation of the TBS Nine-Point Plan was established in January 2009 through the guidance of DMH Information Notice 08-38, and additional guidance was provided in DMH Information Notice 09-10. Please refer to the DMH web page for access to documents developed to implement the Nine-Point Plan: http://www.dmh.ca.gov/Services_and_Programs/Children_and_Youth/EPSDT.asp)

For the Court to consider termination of jurisdiction by December 31, 2010, two-thirds (18 of 27) of the Level II counties are to be certified as successfully implementing the Plan. These 27 MHPs serve approximately 92% of the children who receive Early Periodic Screening Diagnosis and Treatment (EPSDT) Mental Health services in the State of California. (Exit Plan for *Emily Q*. v *Bonta*: "Exit to Success"; April 7, 2009; page 7 of 19).

2010 MHP Certification for Level II MHPs

To obtain certification, the Level II MHPs will be evaluated regarding implementation of the following six criteria:

1) Four percent benchmark for TBS utilization

The Court established a TBS utilization benchmark for Level II MHP's of 4% as calculated by the number of children in an MHP receiving TBS divided by the number of children in that MHP who are receiving EPSDT Mental Health services in a calendar year, (Jan. 1st - Dec. 30th). The MHP may also be certified if they have not yet reached the benchmark December 30, 2010; if the MHP can produce data and other service delivery practices to demonstrate that TBS utilization is on a trajectory to achieve the 4% benchmark by June 30, 2012.

Level II TBS Equivalent Services

In April 2009, the Federal Court approved the *Emily Q*. v. *Bonta* Exit Plan and authorized the evaluation by the Special Master of a TBS-equivalent service (page 11 of 19).

The Special Master shall determine whether or not a proposed TBS–equivalent service is consistent with the best practices of TBS and, at his discretion, may count class members who receive a TBS equivalent service toward the total number of members served.

MHPs interested in proposing a TBS-equivalent service for consideration by the Special Master, can refer to the DMH website under TBS Equivalent Guidelines and the "2010 TBS Certification Checklist (Level II) Form." Special Master Richard Saletta can be contacted at rsalpham@sbcglobal.net.

2) Implement Quality TBS to the Satisfaction of the Special Master

The Special Master will determine that this criterion is met by evaluating evidence provided by the MHP assuring the fidelity to TBS best practices, participation in TBS training, use of TBS Documentation Manual; and the TBS Coordination of Care Best Practices Manual: *Strategies for Supporting Access to TBS* on page 15. Also, supporting family and youth participation in local TBS meetings which used TBS data to enhance the service. DMH Therapeutic Behavioral Services County Mental Health Plan 2010 Progress Report will be used by the Special Master as a tool to evaluate the MHPs TBS efforts.

3) **Demonstrate ability to accurately employ procedure codes, cost reports, and Short Doyle/ Medi-Cal (SD/MC) data reporting for TBS services.**
The Special Master will determine this criterion is met by evaluating how accurately MHPs employ procedure codes, cost reports, and the timeliness and accuracy of the MHP's Short-Doyle/Medi-Cal (SD/MC) data reporting for TBS services.

4) **Engage key local stakeholders**
The Special Master will determine if this criterion is met by evaluating the level of participation in local TBS meetings and increased referrals of children from mental health partner agencies.

5) **Demonstrate commitment to outreach to, provide TBS training to, and engage with professional staff and contract providers in the MHP.**
The Special Master will determine this criterion is met through an evaluation of the MHP's participation in Medi-Cal quality assurance activities, and other ad hoc meetings to promote the Plan and improve TBS efforts. DMH encourages MHPs to post training and technical assistance materials on the DMH TBS website and request TBS trainings. MHPs can host ad hoc meetings between the MHP and local TBS providers to promote the Nine-Point Plan and improve local TBS efforts. In July 2010, DMH released the TBS Coordination of Care Best Practices Manual that includes *Strategies for Supporting Access to TBS* on page 15.

6) **Demonstrate a commitment for outreach, provide TBS training to, and engage with family members and youth in the MHP.**
The Special Master will determine this criterion is met through evidence of the participation of family members and youth in local meetings, in Medi-Cal quality assurance activities, and other ad hoc meetings with the MHP to promote the Plan and improve TBS efforts.

Small/Rural MHPs (Level I):

The 29 Level I small and rural MHPs are encouraged to review and implement the DMH/*Emily Q.* Settlement Team Small County Strategy, at: http://www.dmh.ca.gov/Services_and_Programs/Children_and_Youth/docs/TBS_Small_Rural_County_Info/DMH_TBS_SmallCountyStrat_Feb2810.pdf. This small county strategy was developed by DMH, small county representatives, provider representatives, and approved by the *Emily Q*. Settlement Team. Level I MHPs must have a practice in place for serving the needs of the *Emily Q*. class members.

MHP Requirements to submit 2010 TBS Certification Checklist

To assist MHPs with TBS certification and/or implementation of the Nine-Point Plan, DMH and *Emily Q*. Settlement Team developed the attached "2010 TBS Certification Checklist Level I and Level II." For assistance and questions with these forms please contact Staff Mental Health Specialist, Troy Konarski at Troy.Konarski@dmh.ca.gov or (916) 654-2643. MHPs are requested to submit this Checklist to DMH by **October 22, 2010** to assist our efforts to provide the Federal Court with progress in completing the "Exit Strategy." In October 2010, DMH is required to provide a report to the Federal Court about the implementation of the Nine-Point Plan.

2011/2012 DMH Review of Previously Certified MHPs

In October 2011, DMH shall review the performance of MHPs certified by the Special Master using the MHP TBS Progress Report.

- If an MHP that was certified because it reached the 4% benchmark or was providing TBS-equivalent services to reach the benchmark experiences a decline in services that causes TBS utilization to fall below the 4% benchmark, DMH will work with the MHP to increase either TBS or TBS-equivalent services to re-achieve and sustain the 4% benchmark.

- If an MHP was previously certified because it was on a trajectory to reach the 4% benchmark, but is not adequately progressing to achieve the 4% benchmark by June 30, 2012, DMH will provide technical assistance to the MHP and provide support with the goal of stabilizing the MHP back toward the expected trajectory.

- MHPs that were not certified as of December 31, 2010, and are not making progress toward certification between January 1, 2011 and December 31, 2011 will be subject to corrective measures and/or sanctions. For additional information, please refer to the Court ordered Exit Strategy at: (http://www.dmh.ca.gov/Services_and_Programs/Children_and_Youth/docs/Exit_Plan_4-09-09.pdf).

MHPs may also contact the following DMH staff regarding TBS, Troy Konarski, Staff Mental Health Specialist at (916) 654-2643 or Troy.Konarski@dmh.ca.gov, or Sean Tracy, Assistant Deputy Director, Community Services Division at (916) 651-1281 or Sean.Tracy@dmh.ca.gov.

Sincerely,

Original Signed by

STEPHEN W. MAYBERG, Ph.D.
Director

Enclosure: 2010 TBS Certification Checklist Level I
2010 TBS Certification Checklist Level II