

PREPARED BY: Lee

DATE MATERIAL PREPARED: 5/18/09

**AGENDA ITEM:** Adopt Recommendations to DMH on Proposed MHSA Issue Resolution Process

**ENCLOSURES:** • Feedback on Issue Resolution Process from NAMI 4-14-09

**OTHER MATERIAL RELATED TO ITEM:** Additional materials will be brought to the meeting

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**Issue:**

The MHSOAC charged the CFLC with a lead consultation role in advising the MHSOAC on the DMH draft MHSA Issue Resolution Process.

**Background:**

Welfare and Institutions Code (WIC) Section 5845(d)(7) specifies that the MHSOAC may refer critical issues related to the performance of a county mental health program to the Department of Mental Health (DMH). MHSOAC and California Mental Health Planning Council (CMHPC) currently make referrals to DMH in response to issues related to the MHSA; DMH responds using an interim process.

A workgroup consisting of representatives of DMH, MHSOAC, CMHPC, and California Mental Health Directors Association (CMHDA) met from April 2008 through February 2009 to advise DMH on the development of a procedure to respond to MHSA-related issues. The purpose of the Issue Resolution Process, according to DMH, is “for filing and resolving issues related to MHSA community program planning process, service access, and consistency between program implementation and approved Plans.” The DMH is seeking input from stakeholders regarding the draft Issue Resolution Process until May 31, 2009, and conducted a web meeting for this purpose on April 2, 2009.

Process

The CFLC developed recommendations for Issue Resolution through an in-person meeting and two conference calls, as well as input to posted draft discussion documents. Stakeholders provided input to CFLC during a public comment period at each CFLC meeting. This public comment does not necessarily reflect the consensus of CFLC. Several members of the public have also provided or are providing written comment, which will be brought to Commission meeting. In addition, individuals and stakeholder documents were presented to the CFLC at its April meeting.

Key Issues

- CFLC noted that it is impossible to address statewide issue resolution without also considering local issue resolution, which is its foundation
- Most issues and responses related to the MHSA occur at the local level. Counties differ in how they respond

Key Issues (Cont'd)

- Varying local and statewide processes are also in place to respond to concerns about aspects of mental health services not related to the MHSA
- CFLC explored what its members regard as inherent problems and conflicts of interest with most existing approaches to local issue resolution. CFLC offers recommendations on process/next steps, statewide issue resolution, general issue resolution (principles that apply to statewide and local levels), and local issue resolution.
- CFLC addressed the crucial issue of the need for transparency and the need for anonymity and protection from reprisals for people who file issues

Recommendations

Given the complexity of the issues, the CFLC is recommending the following three motions. Materials for this tab are under development by staff and committee chairs and will be provided to you as soon as they are ready and brought directly to the meeting as well.

**PROPOSED MOTIONS:**

- 1. The MHSOAC instructs the Client and Family Leadership Committee to create an Issue Resolution Monthly Report template to be brought back to the MHSOAC in July 2009 for adoption by the MHSOAC. The report would be submitted in two parts -- one by DMH, one by MHSOAC staff. DMH would report on their monthly issue resolution activity (how many complaints, what counties, description of issue (confidentiality respected, etc). The MHSOAC staff would report on what issues had been referred to DMH (same details-how many complaints, what counties, description of issue, etc) This report will allow the CFLC to track the issue resolution process and assist the MHSOAC to provide accountability and oversight in this area.**
- 2. The MHSOAC adopts the following policy: whenever MHSOAC Commissioners and/or staff are involved in MHSA policy negotiations all MHSOAC Commissioners who sit in client and/or family member designated seats will be invited to attend and participate in the policy meetings.**
- 3. The MHSOAC requests DMH delay the May 31st deadline for receiving stakeholder input on its proposed Issue Resolution Process to allow for additional stakeholder input, including final recommendations from the MHSOAC Client and Family Leadership Committee to be brought forward for consideration at the June 23 MHSOAC meeting.**