PROPOSED DMH MHSA ISSUE RESOLUTION PROCESS – updated 1/22/09

Issues regarding the MHSA should be addressed at the local level, beginning the issue resolution process, in an expedient and appropriate manner. The general principles for a local process are:

1. The Issue Filer has a right to bring a concern forward.
2. The concern will be reviewed by an impartial body.
3. The Issue Filer will be notified of the outcome.
4. DMH reserves the right to review whether the county's local process is in compliance with the MHSA Agreement, regulations or statutes.

How to submit a MHSA Issue:

If the Issue Filer has exhausted their local issue resolution process and they believe their MHSA issue is still not resolved, the following steps may be taken:

1. Submit your Mental Health Services Act (MHSA) issue to one of the following entities:
    - Mental Health Services Oversight and Accountability Commission (MHSOAC)
    - Department of Mental Health (DMH)
    - California Mental Health Planning Council (CMHPC)

Feel free to contact any other resource to assist you with your MHSA issue. If you desire, you may authorize another person to act on your behalf in filing your MHSA issue.

2. Submit a MHSA issue either in writing or verbally. State that you want your concern to be handled as a "MHSA issue to be resolved" and describe the issue. The MHSA issue will be referred to DMH who will review the facts in your case.

DMH review process:

3. DMH will ask you to provide evidence that you exhausted the local process and ask you to provide documentation of the County Administration remedy. If you did not use your local MHSA issue resolution process, DMH will refer you back to your county to address your MHSA issue.

    If your issue is not related to the MHSA Agreement, regulations or statutes you will be referred to other resources such as Patients Rights, Ombudsman, Medi-Cal, or other State and local resources and no further DMH action will be taken. DMH will send you a confirmation letter summarizing the status of your issue.

    If your MHSA issue appears to be related to the MHSA Agreement, regulations, or statutes, DMH will contact you to obtain further information regarding your

concern. If you request anonymity and give DMH permission to submit your issue to your county, DMH will request a summary of your MHSA issue.

4. DMH will then notify your county and obtain their statement and disposition regarding your MHSA issue.

5. Next, DMH will review your county's disposition to determine whether the activity presented in the issue was consistent with the MHSA Agreement, regulations or statutes.

6. If DMH determines that the activity by the County was inconsistent with the MHSA Agreement, regulations, or statutes, DMH will contact your county by letter requesting a description of how they intend to resolve your MHSA issue. A Corrective Action Plan may be issued outlining the different options the County has. After your county sends a letter to DMH describing their resolution of your MHSA issue, DMH will review their resolution and, if approved, the process ends. DMH will notify you and your county by letter when the issue has been successfully resolved.

7. If your MHSA issue is consistent with the MHSA Agreement, regulations, or statutes, DMH will send a summary letter stating this determination to you, your county, MHSOAC and CMHPC. At this point, the issue resolution process has come to an end. We appreciate you taking the time to file your MHSA concern.