Mental Health Services for Children in Medi-Cal
Working with a Fragmented System

Family Voices Conference
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NATIONAL HEALTH LAW PROGRAM

National public interest law firm working to advance access to quality health care and protect the legal rights of low-income and underserved people.

*Washington D.C., Los Angeles & North Carolina*

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Roadmap

• Overview of the Medi-Cal mental health delivery system

• Special Medi-Cal rules for children under 21: EPSDT

• Particular mental health interventions for children in Medi-Cal

• New requirements for Medi-Cal mental health services
  • network adequacy
  • grievance and appeals

• Opportunities for advocacy
Medi-Cal Mental Health Delivery System

An Overview
Medi-Cal’s “Carve Out” Mental Health Delivery

Non-Specialty Mental Health Services

- Mental health evaluation and treatment & psychiatric consultation / Mental Health Services
- Psychological testing / Mental health assessment
- Drug therapy monitoring / medication support

Specialty Mental Health Services
Medi-Cal’s Mental Health Delivery

**Medi-Cal Managed Care Plans (MCPs)**

- Target Population: Children and adults eligible for outpatient non-specialty mental health services (adults: mild to moderate conditions)
- Non-Specialty Mental Health Services: Carved-in Effective 1/1/14

**County Mental Health Plans (MHPs)**

- Target Population: Children and adults with disabling conditions that require mental health treatment (children; adults w/severe cond.)
- Specialty Mental Health Services (“Carve out” from the MCPs)
Medi-Cal’s “Carve Out” Mental Health Delivery

MHP Outpatient Specialty Mental Health Services (SMHS)

- Mental Health Services
  - assessments, plan development, therapy, rehabilitation and collateral, medication support
- Day Treatment services and rehabilitation
- Crisis intervention and stabilization
- Targeted Case Management
- EPSDT specialty mental health services (under age 21)
Access to Specialty Mental Health Services (SMHS)

- Included Diagnosis

- Condition not responsive to physical health care treatment

- Meet medical necessity
Screening and Referral Pathways

Primary Care Provider
- Health Risk Assessment
- Screening

MCP’s Mental Health Provider
- Screening
- Assessment

MHP’s Specialty Mental Health Provider
- Assessment

Agreed upon tool
Special Medi-Cal rules for children under 21

Early & Periodic Screening, Diagnosis, Treatment
EPSDT= Early & Periodic Screening, Diagnostic and Treatment

• *Medicaid is an entitlement*: mandatory services for Medi-Cal eligible children and youth up to age 21

• State (MCPs) must screen all children on Medi-Cal for health and behavioral health needs

• Covers ALL treatment necessary to “correct or ameliorate physical and mental illnesses and conditions,” even if a service not covered under the Medicaid State Plan
SMHS cont. (from *lawsuits*)

- Therapeutic Behavioral Services (TBS)
- Intensive Care Coordination (ICC)
- Intensive Home Based Services (IHBS)
- Therapeutic Foster Care (TFC)
New Network Adequacy Rules
Time and Distance Standards; Timely Access
Time and Distance Standards – Mental Health Services

Standards vary by county size:

- **Rural:** 60 miles / 90 minutes from beneficiary’s residence
- **Small:** 45 miles / 75 minutes from beneficiary’s residence
- **Medium:** 30 miles / 60 minutes from beneficiary’s residence
- **Dense:** 15 miles / 30 minutes from beneficiary’s residence
## Timely Access to Appointments

<table>
<thead>
<tr>
<th>Appointment Type</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urgent care appointments that do not require prior authorization</td>
<td>48 hours</td>
</tr>
<tr>
<td>Urgent care appointments that do require prior authorization</td>
<td>96 hours</td>
</tr>
<tr>
<td>Non-urgent primary care appointments</td>
<td>10 business days</td>
</tr>
<tr>
<td>Non-urgent specialist (Psychiatry)</td>
<td>15 business days</td>
</tr>
<tr>
<td>Non-urgent mental health provider (non-psychiatry)</td>
<td>10 business days</td>
</tr>
<tr>
<td>Non-urgent appointment for ancillary services for the diagnosis or treatment of injury, illness or other health conditions</td>
<td>15 business days</td>
</tr>
<tr>
<td>Telephone wait time</td>
<td>No more than 10 minutes</td>
</tr>
<tr>
<td>Normal business hours</td>
<td>Standards</td>
</tr>
<tr>
<td>Triage – 24/7 services</td>
<td>24/7 services; Call back time is no more than 30 minutes</td>
</tr>
</tbody>
</table>
New Grievance & Appeal Rules
Grievance and Appeal Systems

• All plans must have a grievance and appeal system that meets the requirements of federal regulations

• Plans must explain the right to file grievances and appeals in a “beneficiary handbook”
  • Procedures, timeframes, availability of assistance

• Written notices are required when services are denied, delayed, terminated or reduced
Appeals

Action = **Adverse Benefit Determination** =

- Denial, reduction, suspension, termination, delay of service
- Denial/limited approval of requested service based on medical necessity, appropriateness, type, level, setting or effectiveness
- Disputes involving cost sharing/financial liability/payment
- Failure to act within timeframe for standard grievances
Grievance

- An expression of dissatisfaction about any matter other than an *adverse benefit determination*

- Can be filed *any time*
- Oral or written
- Plan Resolution: w/i 90 calendar days of receipt
- Plan to provide written acknowledgement within 5 days
Notice of Adverse Benefit Determination - Timing

- **Terminations, Reductions, Suspensions**: plan must provide notice at least 10 days in advance of the decision effect date.

- **Denial, delay, or modification** of all or part of the requested specialty mental health service request: within 2 business days of decision /as expeditiously as condition requires (not to exceed 14 days) (APL 17-006; MHSUDS IN 18-010)

- **Denial of payment**, at the time of any action denying the provider’s claim
Advocacy Opportunities
What can you do?

• Hold plans accountable to standards

• Know Your Rights!
  • Educate other families and consumers
  • Make sure families have the **Beneficiary Handbook**

• Work with advocacy organizations
  • *Health Consumer Alliance*
  • *Disability Rights California*
Additional Resources/Reading

- **Medi-Cal Mental Health Services** (January 2017)
- **Access to Mental Health Services for Children with Special Health Care Needs: Analysis and Recommendations** (August 2017)
- **Navigating The Challenges of Medi-Cal's Mental Health Services in California: An Examination of Care Coordination, Referrals and Dispute Resolution** (November 2018)
- **Substance Use Disorders in Medi-Cal: An Overview** (February 2019)
- **DHCS Model Beneficiary Handbook**
  - *Specialty Mental Health Services*
  - *Managed Care Plan services*
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