


County of Marin Behavioral Health and Recovery Services (BHRS)	POLICY NO. BHRS-43
	Next Review Date: December 2024
POLICY:	Date Reviewed/Revised: December 2021
<u>PHYSICAL ACCESSIBILITY OF SERVICES</u>	By:  Jel Africa, PsyD Director of Behavioral Health and Recovery Services
SUPERCEDES: MHSUS-ADP-01	

POLICY: PHYSICAL ACCESSIBILITY OF SERVICES

I. PURPOSE:

The purpose of this policy is to ensure compliance with federal and state regulations related to providing access to services for persons with disabilities.

II. REFERENCES:

Americans with Disabilities Act of 1990
California Government Code Section 11135
45 CFR, Part 84
State/County Intergovernmental Agreements and Performance Contracts
BHRS-57 Cultural Competency and Humility, Equity and Inclusion Framework
BHRS-35 MHP and DMC-ODS Informing Materials
ADP Bulletin 09-05

III. POLICY:

It is the policy of Marin County Behavioral Health and Recovery Services (BHRS) to maintain and monitor a network of appropriate providers that operate in compliance with all federal, state, and local laws and regulations, including the Americans with Disabilities Act. BHRS ensures that network providers prohibit the discrimination against people with disabilities and provide physical access, reasonable accommodations, accessible equipment, and electronic and information technology (EIT) for beneficiaries with physical or mental disabilities.

Specific provisions around use of interpreter services for language services, visual or hearing impaired, or other communication barriers can be found in the BHRS-57 Cultural Competency and Humility, Equity and Inclusion Framework Policy.

Specific provisions around access to Beneficiary Informing Materials for persons with disabilities can be found in BHRS-35 MHP and DMC-ODS Informing Materials policy.

County of Marin Behavioral Health and Recovery Services (BHRS)	POLICY NO. BHRS-43
	Next Review Date: December 2024
POLICY:	Date Reviewed/Revised: December 2021
<u>PHYSICAL ACCESSIBILITY OF SERVICES</u>	

IV. AUTHORITY/RESPONSIBILITY:

BHRS Director
 BHRS Division Directors
 Quality Management Program
 Contract Managers
 Mental Health Plan and DMC-ODS Service Providers

V. PROCEDURE:

BHRS ensures that the County and contractors receiving funding under the State-County Intergovernmental Agreements for Specialty Mental Health Services, Drug/Medi-Cal Organized Delivery System (DMC-ODS) Waiver Services and Mental Health and Substance Abuse Prevention and Treatment Block Grant Services (MHBG and SABG) comply with requirements of funding sources and applicable laws and regulations through the below methods.

County compliance with this policy shall be achieved through:

1. The County provides to beneficiaries or posts in a prominent place accessible to all beneficiaries a statement of nondiscrimination by disability.
2. The County posts beneficiary informing materials, including information on whether the service locations have accommodations for people with physical disabilities, on the BHRS website and advises the beneficiary that the information is available on the Internet. Files are in a machine-readable file and format and if beneficiaries with disabilities cannot access the information online, BHRS provides auxiliary aids and services upon request at no cost.
3. The County will conduct assessments to ensure services meet the needs of persons with a disability and keep records of these results, which shall be provided to DHCS upon request. The assessments must:
 - a. Determine the extent of the need for MHP and DMC-ODS/SABG services within the county.
 - b. Determine the percentage of the county MHP outpatient and DMC-ODS/SABG outpatient and residential service providers that accept persons with disabilities (PWD) and the county’s implementation plan for ensuring that a sufficient number of MHP outpatient and DMC-ODS/SABG outpatient and residential services accessible by PWDs are strategically placed within the county.
 - c. For DMC-ODS/SABG, define, develop, and implement:
 - i. the referral mechanism for those DMC-ODS/SABG service facilities that do not accept PWD;

County of Marin Behavioral Health and Recovery Services (BHRS)	POLICY NO. BHRS-43
	Next Review Date: December 2024
POLICY: <u>PHYSICAL ACCESSIBILITY OF SERVICES</u>	Date Reviewed/Revised: December 2021

- ii. the plan to provide services to PWD that are substantially equivalent to services provided to non-disabled individuals, including equivalency of travel time and distance.
- iii. Designate a County Access Coordinator (CAC) for serving PWD. The role of the CAC is that of liaison between the provider community, BHRS, and DHCS. The CAC is responsible for ensuring the integrity of the county's compliance with all issues related to BHRS services.

Mental Health Plan contractor compliance with this policy shall be achieved through:

1. Quality Management, or designee, and/or DHCS will ensure compliance with regulations by performing site certifications every three years for all Medi-Cal provider locations.
2. Shall a site be deemed out of compliance; a plan of correction will be required with necessary action steps to rectify the noncompliance. Providers will need to submit necessary evidence within 30 days, unless otherwise stated, of the report to demonstrate correction.
3. Additional site certifications outside of regularly scheduled timelines may be performed at the discretion of BHRS Quality Management.

BHRS contractor compliance with this policy shall be achieved through:

1. Approval of contract, which includes language pertaining to compliance with the Americans with Disabilities Act, as to form and legal affect by county counsel; signature of Contractor on contract agreeing to all conditions set forth in the contract; and approval and execution of contract by the County Board of Supervisors, County Administrative Officer, or designee.
2. Annual completion and signed attestation of *Limited or Basic Accessibility Self-Assessment* and Section 3 of the Self Audit (Nondiscrimination) by applicable Contractors, and subsequent review by BHRS Contract Manager.
3. At annual Site Visit, Contract Manager shall review contractor policy regarding Accessibility to Services and perform an onsite review of applicable contractors to assess compliance with Limited or Basic Accessibility standards and posting of required notices. BHRS staff will notify the contractor if ADA deficiencies are found during site visits or in the case of a complaint being received. Any deficiencies will require a Plan of Correction, which unless otherwise stated, shall be submitted to BHRS within 30 calendar days of the report.