


County of Marin <b>Behavioral Health and Recovery Services (BHRS)</b>	POLICY NO. BHRS-43
	Next Review Date: December 1, 2027
<b>POLICY:</b>  <b><u>PHYSICAL ACCESSIBILITY OF SERVICES</u></b>	Date Reviewed/Revised: December 13, 2024
<b>SUPERCEDES: MHSUS-ADP-01</b>	By:  Todd Schirmer, PhD, CCHP Director of Behavioral Health and Recovery Services

**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 members 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 Member Informing Materials for persons with disabilities can be found in BHRS-35 MHP and DMC-ODS Informing Materials policy.

County of Marin <b>Behavioral Health and Recovery Services (BHRS)</b>	POLICY NO. BHRS-43
	Next Review Date: December 1, 2027
<b>POLICY:</b>	Date Reviewed/Revised: December 13, 2024
<b><u>PHYSICAL ACCESSIBILITY OF SERVICES</u></b>	

**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 Use Prevention and Treatment Block Grant Services (MHBG and SUBG) 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 members or posts in a prominent place accessible to all members a statement of nondiscrimination by disability.
2. The County posts member informing materials, including information on whether the service locations have accommodations for people with physical disabilities, on the BHRS website and advises the member that the information is available on the Internet. Files are in a machine-readable file and format and if members 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/SUBG services within the county.
  - b. Determine the percentage of the county MHP outpatient and DMC-ODS/SUBG 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/SUBG outpatient and residential services accessible by PWDs are strategically placed within the county.
  - c. For DMC-ODS/SUBG, define, develop, and implement:
    - i. the referral mechanism for those DMC-ODS/SUBG service facilities that do not accept PWD;

County of Marin Behavioral Health and Recovery Services (BHRS)	POLICY NO. BHRS-43
	Next Review Date: December 1, 2027
POLICY:	Date Reviewed/Revised: December 13, 2024
<u>PHYSICAL ACCESSIBILITY OF SERVICES</u>	

- 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.
4. County shall provide services to all eligible persons in accordance with state and federal statutes and regulations. County shall assure that in planning for the provision of services, the needs of persons with a disability are considered and addressed.

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 been 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 of 1990, 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.