



7.2.27 GRIEVANCE PROCESS FOR THE MENTAL HEALTH DIVERSION PROGRAM

Issue Date: 01/05/2026

Revision History: Not Applicable

References: Penal Code (PC) section 1001.36
Welfare and Institutions Code (WIC) 4361

Policy Owner: Behavioral Health Division, Acute & Forensic Section Manager

Director Signature: **Signature on File**

I. Policy Statement

The California Department of State Hospitals (DSH) requires clear guidelines and procedures for the operation of the Felony Mental Health Diversion (MHD) Program. This policy was created so that the Sonoma County Behavioral Health Felony MHD team can demonstrate compliance with Penal Code (PC) section 1001.36 and Welfare and Institutions Code (WIC) 4361 and be a reference for staff.

II. Scope

This policy applies to all Sonoma County Department of Health Services – Behavioral Health Division (DHS-BHD) staff who are assigned to provide Specialty Mental Health Services (SMHS) in the Felony MHD Program.

III. Definitions

- A. Department of Health Services – Behavioral Health Division (DHS-BHD):** Sonoma County Department of Health Services – Behavioral Health Division.
- B. Felony Mental Health Diversion (MHD) Program:** DHS-BHD operates a SMHS outpatient treatment program for individuals participating in Mental Health Diversion Court. The program provides SMHS through using the Assertive Community Treatment (ACT) model of care.

- C. **Grievance:** An expression of dissatisfaction to DHS-BHD about any matter other than an Adverse Benefit Determination. Grievances may include, but are not limited to, the quality of care or services provided, and aspects of interpersonal relationships, such as rudeness of a provider or employee, or failure to respect the member's rights regardless of whether remedial action is requested. Grievances include a member's right to dispute an extension of time proposed by the DHS-BHD or its contract providers to make an authorization decision.

A complaint is the same as a grievance. A member need not use the term "grievance" for a complaint to be captured as an expression of dissatisfaction and, therefore, a grievance.

There is no distinction between an informal and a formal grievance. DHS-BHD does not discourage the filing of grievances. Even if a member expressly declines to file a formal grievance, their complaint shall still be categorized as a grievance.

- D. **Discrimination Grievance:** A complaint concerning the unlawful discrimination on any characteristic protected under the federal or state law, including sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, gender, gender identity, or sexual orientation.
- E. **Incompetent to Stand Trial (IST):** A legal term that denotes a defendant lacks the capacity to participate in legal proceedings or aid in their own legal defense.
- F. **Mental Health Diversion (MHD):** Pursuant to Penal Code (PC) section 1001.36 and Welfare and Institutions Code (WIC) 4361, allows felony IST defendants to participate in intensive community mental health treatment in lieu of inpatient DSH competency restoration treatment.
- G. **Specialty Mental Health Services (SMHS):** SMHS include, but are not limited to: assessment, plan development, rehabilitation services, therapy services, collateral, medication support services, targeted case management, crisis intervention, Intensive Care Coordination (ICC), Intensive Home-Based Services (IHBS), and Therapeutic Behavioral Services (TBS).

SMHS are provided to Medi-Cal beneficiaries through Sonoma County's Mental Health Plans (MHPs). All the MHPs are part of county mental health or behavioral health departments, and the MHP can provide services through its own employees or through contract providers.

IV. Policy

This policy is to ensure all program staff assigned to DHS-BHD Mental Health Diversion (MHD) Program adhere to requirements as set forth by DSH under Penal Code (PC) section 1001.36 and Welfare and Institutions Code (WIC) 4361. This policy includes procedural guidelines for receiving and reporting participant grievances in the MHD program.

V. Procedures

A. General Guidelines

1. DHS-BHD staff assigned to the MHD program will adhere to the requirements as noted in the DHS-BHD Policy 7.1.2, *Member Grievances and Discrimination Grievances*.

B. Member Notification

1. MHD program staff will utilize the pre-existing processes for member notifications as outlined in the Member Notifications section (V.B.) of Policy 7.1.2, *Member Grievances and Discrimination Grievances*, and will also include the following:
 - a. MHD program staff will provide the client, upon admission and orientation, any necessary education about the DHS-BHD grievance process.
 - b. The Grievance process will be posted in clinic lobbies, in an area that is visible and easy to access.

C. Grievance Log and Documentation

1. MHD program staff will utilize the pre-existing processes for handling and documenting grievances, including maintaining a written log, as outlined in the Handling Grievances section (V.E.) of Policy 7.1.2, *Member Grievances and Discrimination Grievances*, and will also include the following:
 - a. MHD program staff will provide a copy of this written log, including how the grievance was resolved, upon the request of the Department of State Hospitals Contract Manager or assigned Consulting Psychologist.

D. Department of State Hospitals (DSH) Notification

1. MHD program staff will provide in writing, via email, to DSHDiversion@dsh.ca.gov all filed grievance documents.
2. MHD Health Program Manager will provide a copy of the grievance process as a part of the program plan, policy, and procedures manual, and annually thereafter.

VI. Forms

None

VII. Attachments

Attachment #1: Policy 7.1.2 Member Grievances and Discrimination Grievances