Your rights to mental health care in California

Created by:
Bay Area Legal Aid (BayLegal)
National Alliance on Mental Illness (NAMI) | Santa Clara County
County of Santa Clara Health System
Learning Objectives

• To understand what mental health conditions are and to recognize some signs.

• To understand your rights to mental health care.

• To understand steps and resources to access mental health care, including what to do if you encounter problems.
Physical Health

- Physical wellness promotes proper care of our bodies for optimal health and functioning.
Mental Health

• Mental Health – is an important part of overall health.

• People who are emotionally healthy are able to manage their thoughts, feelings, and behaviors. They can function well and cope with life.
What is a mental health condition?

A mental health condition:

• Affects thinking, feeling, behavior, or mood
• Varies in degree of severity
• Deeply impacts day-to-day living
• May affect ability to relate with others

Mental health care is health care \((\text{mind, body, spirit})\)
Mental health conditions are common

1 in 5 adults in the US
Locally, that means 340,000 adults

1 in 6 youth in the US
Locally, that means 68,000 youth

Sources: SAMHSA “Highlights for the 2021 National Survey on Drug Use and Health”; Local calculation estimates based on July 1, 2021 Santa Clara County population estimates from US Census.
Data: Any Mental Illness

Any Mental Illness in Adults in US
(Past Year, SAMHSA, 2021)

<table>
<thead>
<tr>
<th>Age</th>
<th>Overall</th>
<th>18-25</th>
<th>26-49</th>
<th>50+</th>
<th>White</th>
<th>Hisp or Latino</th>
<th>Black or Afr Amer</th>
<th>Asian</th>
<th>Hawaiian or Other Pacific Isl</th>
<th>Multi-racial</th>
<th>35%</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
<td>23%</td>
<td>34%</td>
<td>28%</td>
<td>15%</td>
<td>24%</td>
<td>21%</td>
<td>21%</td>
<td>16%</td>
<td>18%</td>
<td>75%</td>
<td></td>
</tr>
</tbody>
</table>

Source: SAHMSA Highlights for the 2021 National Survey on Drug Use and Health

In addition, 50% of all lifetime mental illness begins by age 14

75% by age 24
Mental Health Conditions – a range

Anxiety Disorders
Depression
Traumatic Events
Suicide
Borderline Personality Disorder
Eating Disorders
Substance Use and Co-Occurring Mental Disorders
Obsessive-Compulsive Disorder (OCD)
Schizophrenia
Disruptive Mood Dysregulation Disorder
Post-Traumatic Stress Disorder (PTSD)
Attention-Deficit/Hyperactivity Disorder (ADHD)
Bipolar Disorder
Signs to Recognize

- Drastic changes in mood, behavior, personality, or sleeping
- Feeling sad or “empty”
- Feeling hopeless, irritable, anxious, guilty or intense worries/ fears
- Difficulty with daily activities
- Disobedience/ aggression
- Changes in school performance
- Excessive use of alcohol or drugs
- Thoughts of death or suicide

*Have a professional evaluation if signs are noticed.*

https://www.nami.org/NAMI/media/NAMI-Media/Infographics/NAMI-Warning-Signs-FINAL.pdf
Accessing Mental Health Care
Accessing Care

If in mental health crisis

• **Call or text 988**
  
  Mental Health Crisis & Suicide Prevention Lifeline
  
  Call 800-704-0900 if not dialing from area codes: 408, 650, or 669

• **Get walk-in care**
  
  Behavioral Health Urgent Care
  
  Visit 2221 Enborg Lane, San Jose
Accessing Care

To find a provider/treatment

- **Private insurance**
  Ask your Dr. or call # on back of insurance card and ask for a care manager.

- **Medi-Cal / Medicare**
  Call # on the back of insurance card or County Behavioral Health Call Center 800-704-0900.

- **No insurance**
  Call the County Behavioral Health Call Center 800-704-0900.
Accessing Care

Other ways to find a provider/treatment

- **Employer**  
  Employee Assistance Program

- **School District**  
  Talk to the guidance counselor or district.

- **LGBTQIA+**  
  Call the Q Corner at 408-977-8800.

- **Peer Guidance**  
  Call the Behavioral Health Navigator Program at 800-704-0900, option 4.

Still unsure of where to go or what to do next?

*Call the NAMI Helpline at (408) 453-0400 x1*
Laws & Regulations
Federal & State Legal Standards and Protections

- Affordable Care Act
- Mental Health Parity Act of 1996 (MHPA)
- Mental Health Parity and Addiction Equity Act (MHPAEQA)
- CA Mental Health Parity Act
- CA Mental Health as a Medical Necessity
- CA Health Care Coverage: Timely Access to Care
What are your rights in California?

- Mental health and substance use disorder services (MH/SUD) are **required benefits**.
- For a plan to cover any treatment or procedure it must be **needed to diagnose or treat a condition or illness**.
- The law defines medical necessity standards.
- Health plans must provide an appointment **within a certain time**.
What are your rights in California?

• The law requires coverage for mental health and substance use disorders \textit{to be the same} as coverage for medical/surgical.

• This is referred to as \textit{parity}.
What must be the same \((at \ parity)\)?

**Financial Requirements**
- Deductibles
- Co-payments
- Co-insurance
- Out-of-pocket

**Limits**
- # of days
- Visits
- Frequency of treatment

As referenced in Behavioral Health Parity 101 Presentation, New York City Department of Health and Mental Hygiene
What must be the same (at parity)?

What must be the same:

- Standards to decide treatment coverage
- Medical management standards
- Pre-authorization requirements
- Prescriptions and dosage limits
- Coverage of out-of-network benefits
- Standards for experimental treatment

Also, health plans are not allowed to limit treatment to short-term or acute care only.
## Access requirements and standards

### California’s Timely Access to Care Requirements

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Timely Access Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Urgent Care</strong></td>
<td></td>
</tr>
<tr>
<td>Prior Authorization</td>
<td><em>Not required</em> by health plan</td>
</tr>
<tr>
<td>Duration</td>
<td>2 days</td>
</tr>
<tr>
<td><strong>Non-Urgent Care</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Doctor Appointment</strong></td>
<td></td>
</tr>
<tr>
<td>Primary Care Physician</td>
<td>10 business days</td>
</tr>
<tr>
<td>Specialty Care Physician</td>
<td>15 business days</td>
</tr>
<tr>
<td><strong>Mental Health Appointment</strong></td>
<td>10 business days</td>
</tr>
<tr>
<td><strong>Follow-Up Care</strong></td>
<td></td>
</tr>
<tr>
<td>Mental Health / Substance Use Disorder Follow-Up Appointment</td>
<td>10 business days from prior appointment (effective July 1, 2022)</td>
</tr>
</tbody>
</table>

[DMHC Fact Sheet Link: https://dmhc.ca.gov/Portals/0/Docs/DO/TAC_accessible.pdf](https://dmhc.ca.gov/Portals/0/Docs/DO/TAC_accessible.pdf)
Access requirements and standards

Covered conditions include, but are not limited to:

- Depression, anxiety disorders, all substance use conditions, and bipolar disorder.

Coverage of the full range of all medically necessary treatment in all settings:

- Inpatient and outpatient.

Financial protections

DMHC Fact Sheet Link: https://dmhc.ca.gov/Portals/0/Docs/DO/MentalHealthFactSheet.pdf
Access to care issues

Example 1:
I can’t find a provider in my health plan’s network that is accepting patients or no one can see me for a month.

True or False?
My health plan must provide an appointment within 10 business days.
Access to care issues

Example 1:
I can’t find a provider in my health plan’s network that is accepting patients or no one can see me for a month.

True or False?
My health plan must provide an appointment within 10 business days.

True: Health plans must provide timely access

What the law says:
Health plans must provide an appointment with a non-physician provider within 10 business days.*
If an in-network provider is not available, then your health plan must approve an out-of-network provider.

What to do next:
Call your health plan and ask them to find a provider for you.

*Timely access standards are different for urgent and non-urgent circumstances.
See DMHC Timely access standards for detail: https://dmhc.ca.gov/Portals/0/Docs/DO/TAC_accessible.pdf
Access to care issues

Example 2:
My health plan limits the number of visits with my psychologist but I don’t have the same limit with my doctor.

True or False?
It’s ok that my health plan puts different limits my visits with each provider.
Access to care issues

Example 2:
My health plan limits the number of visits with my psychologist but I don’t have the same limit with my doctor.

True or False?
It’s ok that my health plan puts different limits my visits with each provider.

False: Health plans must have the same limits

What the law says:
Health plans must have the same limits. They cannot put different number limits on provider visits.

What to do next:
Call your health plan to file a complaint or appeal.

If unsure about what to do next, call the California Department of Managed Health Care (DMHC) Help Center at 1-888-466-2219.
Access to care issues

Example 3:
My health plan did not pay for my behavioral health service.

True or False?
If I disagree I can follow-up with my health plan.
Access to care issues

Example 3:
My health plan did not pay for my behavioral health service.

True or False?
If I disagree I can follow-up with my health plan.

True: Health plans must have a process to resolve issues

What the law says:
Health plans must have a complaint/ appeal process for people to follow if a benefit is denied.

What to do next:
Call your health plan to file a complaint or appeal.

If unsure about what to do next, call the California Department of Managed Health Care (DMHC) Help Center at 1-888-466-2219.
Access to Care Issues: Steps to Take

1. Understand your rights

2. If you are concerned about your care or getting the care you need, contact your health plan.
   - Contact your health plan (visit their website or call the number on your insurance card).

3. Understand your health plan’s process to submit a complaint or appeal
   - For details on the steps to take to submit a complaint or appeal, and in what timeframe, contact your health plan.
Access to Care Issues: Steps to Take

4 Submit a complaint / appeal to your health plan
   • Submit verbally or in writing, in the timeframe shared by your health plan, and participate in their process for the required number of days.
   • The law requires health plans to resolve enrollee complaints within 30 days.

5 If you disagree or are unhappy with your health plan’s decision, or do not receive a decision within 30 days:
   • Call the California Department of Managed Health Care (DMHC) Help Center at 1-888-466-2219.
   • The Help Center will share what to do next, including how to submit a complaint to the next level, the State.
Access to Care Issues: Steps to Take

6 Submit your complaint to DMHC
   • Submit your complaint online, by mail or by fax.
   • You must submit your complaint within **180 days** of the health plan’s decision.

7 Know what to expect next
   • DMHC will review your complaint, direct it to the right place and will send you a notice that they received your complaint within **7 days**.
   • If you want to know how long it will take to get a decision, call the DMHC Help Center.
   • If DMHC disagrees with your health plan’s decision, DMHC will instruct health plan to follow the decision and provide the service right away.
Access to Care Issues: Reminders

- ✓ Review your member handbook
- ✓ Know the timeline & deadlines
- ✓ Keep a copy of all documents
- ✓ Document calls in writing
- ✓ Get your denial in writing and keep it

Note: If urgent, you can file an expedited complaint
Resources: Local

NAMI Santa Clara County offers support and guides community members to mental health resources, such as finding a provider.

Visit https://namisantaclara.org/ or
Call NAMI Helpline at 408-453-0040 press 1 (M-F 10am-6pm)

Bay Area Legal Aid offers legal advice on health access related issues like, plan enrollment, termination, coverage denial.

Visit https://baylegal.org/ or
Call Bay Legal Health Consumer Center at 855-693-7285
Resources: State

CA Department of Managed Health Care (DMHC) for help with your health plan.

Visit [https://www.dmhc.ca.gov/](https://www.dmhc.ca.gov/) or
Call DMHC Help Center at 1-888-466-2219

CA Department of Insurance (CDI) for help with some health plans.

Visit [https://www.insurance.ca.gov/](https://www.insurance.ca.gov/) or
Call 1- 800- 927- 4357
Thank you!

Presentation created in partnership by:

Thank you to the following partners for their collaboration and support:

Special thanks to NY City Dept of Health & Mental Hygiene for helping to jumpstart this work and permission to use content from their “Behavioral Health Parity 101 Presentation” as cited in the presentation.