



DEPARTMENT LETTER: 19-001

**October 23, 2019**

TO: ALL COUNTY ADMINISTRATIVE OFFICERS  
ALL COUNTY BEHAVIORAL HEALTH DIRECTORS  
ALL COUNTY CHIEF EXECUTIVE OFFICERS  
ALL COUNTY COUNSELS  
ALL COUNTY DISTRICT ATTORNEYS  
ALL COUNTY HEALTH CARE DIRECTORS  
ALL COUNTY PROBATION OFFICERS  
ALL COUNTY PUBLIC HEALTH DIRECTORS  
ALL COUNTY PUBLIC DEFENDERS  
ALL COUNTY SHERIFFS  
ALL COUNTY SUPERIOR COURTS

SUBJECT: INFORMATION REGARDING DSH DIVERSION PROGRAM AND  
REPORTING REQUIREMENTS ON DSH DIVERSION DATA

EXPIRES: RETAIN UNTIL RESCINDED

### **Purpose**

The purpose of this Departmental Letter is to provide counties with guidance regarding general diversion program requirements and the requirement to submit data and outcome measures to the Department of State Hospitals (DSH) on Felony Mental Health Diversion Clients participating in a program funded by DSH in accordance with Welfare and Institutions Code section 4361 (Section 4361).

### **Background**

The Legislature enacted Section 4361 on June 27, 2018, which authorizes DSH to contract with counties as a funding mechanism for the establishment of new or expansion of existing pre-trial mental health diversion programs and outlines the criteria for clients participating in a county pre-trial Felony Mental Health Diversion Program funded by DSH. DSH has authority to contract with counties on proposals for diversion programs, which include wraparound services, and to provide funding as specified in Section 4361.

For purposes of this letter, “Felony Mental Health Diversion Clients” means diversion program participants treated in a DSH funded program with a primary diagnosis of schizophrenia, schizoaffective disorder or bipolar disorder who have committed certain felony crimes and found by a court to qualify for diversion services pursuant to Penal Code section 1001.36 and Section 4361.

“Wraparound services” means services provided in addition to the mental health treatment necessary to meet the Felony Mental Health Diversion Client’s needs for successfully managing his/her/their mental health symptoms and to successfully live in the community. Wraparound services include but are not limited to housing, mental health services, social welfare services, substance use disorder treatment, criminal justice coordination, and peer support.

### **General Requirements**

DSH funded county diversion programs will be required to create a diversion proposal, seek approval, and execute a contract with DSH in order to receive funding.

### **Authority and Role of DSH**

Pursuant to subdivision (j) of Section 4361, DSH has the authority to issue Departmental Letters to implement and interpret Section 4361. DSH is a “health oversight agency” as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) at 45 C.F.R. part 164.501 and acting as a program evaluator and auditor consistent with 42 C.F.R. part 2.53. DSH shall: collect data from counties to ensure that the provision of services is consistent with Section 4361, Departmental Letters, and the diversion contracts; provide reports on the diversion programs to the Legislature and stakeholders; and perform research related to recidivism and improved services to the target population. Section 4361 and DSH require data and outcome measures from counties to accomplish these purposes.

### **Reporting Requirements of Data and Outcome Measures**

Counties shall provide the data elements listed in Attachment 1 to DSH within 90 days of the end of each quarter. The first quarter of the year starts at the beginning of July and the last quarter of the year ends in June. The first reporting of the year would be due by the end of December. The last reporting of the year is due by September of the next fiscal year. Counties will begin reporting data for the quarter in which they admit their first Felony Mental Health Diversion Client to their program.

Counties shall flag, mark, or clearly note when substance use disorder treatment data reported to DSH are covered by 42 C.F.R. part 2. DSH shall comply with all 42 C.F.R. part 2 requirements regarding disclosure and use limitations and shall protect the data consistent with federal law.

DSH shall comply with 42 C.F.R. part 2.52, Civil Code section 1798.24, and DSH's internal policy regarding the review and approval of any use of data for research. DSH shall obtain approval from the California Health and Human Services Institutional Review Board, the Committee for the Protection of Human Subjects, before starting any research.

Counties shall submit data to DSH electronically. DSH shall provide a standardized Excel spreadsheet and a secure method of transmission to counties. DSH will work with counties to individualize the spreadsheet template to create a county-specific version. All data must be in a readable format for DSH. DSH shall notify individual counties if the data submitted is not in a readable format for DSH and collaborate with counties on submission of data so that DSH has meaningful and useful data.

Counties shall provide data when requested by DSH on the arrest and criminal history of Felony Mental Health Diversion Clients including the California Information and Identification (CII) numbers.

Counties shall provide DSH with the name and contact information of the person delegated to submit data to DSH from each county. The counties shall update this information as necessary.

If you have any questions or require additional information, please contact DSH Diversion by email at [DSHDiversion@dsh.ca.gov](mailto:DSHDiversion@dsh.ca.gov).

Original Signed By

Katherine Warburton  
Medical Director, Clinical Operations  
Department of State Hospitals

Christina Edens  
Deputy Director, Forensic Services Division  
Department of State Hospitals

Attachment(s)

- 1 – DSH Felony Pretrial Mental Health Diversion – Behavioral Health Data Dictionary
- 2 – DSH Felony Pretrial Mental Health Diversion – Criminal Justice Data Dictionary
- 3 – DSH Felony Pretrial Mental Health Diversion - Services Data Dictionary