

# Growth Cap Webinar: Expenditure Plan Overview

May 8, 2024

## Question & Answer Sheet

**Q: How does a county Mental Health Provider access the funds or fee that will be returned to the county?**

*A: Funding is limited to counties who are assessed a penalty as a result of exceeding their established Growth Cap baseline. For these impacted counties, DSH will send invoices to the County Executive/Administrator's Office with a copy sent to any additional authorized representatives that have been placed on file after a courtesy notification that the county has exceeded its Growth Cap and an invoice will be forthcoming. The funds collected from these counties are then deposited into the Mental Health Diversion Fund (MHDF) at the State Controller's Office. 100% of the funding collected from these counties will be returned to the county within 45 days of having an approved spending plan on file with DSH. Through this spending plan, counties should decide who will take lead in spending down the dollars and grant access to those funds accordingly.*

**Q: Was there prior communication to the counties who may be penalized during this previous Fiscal Year (FY) and how does a county know if they have been identified as being impacted by a penalty fee?**

*A: Yes. Progress reports are sent to the counties sixty days following the end of a new quarter, and finalized reports are sent by the end of October following the end of a FY. All potentially impacted counties from FY 2022-22 have designated representatives on file who have been in receipt of those reports. We encourage all counties to familiarize themselves with the reports to monitor trends moving forward. All reports are also shared on the DSH webpage: [https://www.dsh.ca.gov/Treatment/Growth\\_Cap.html](https://www.dsh.ca.gov/Treatment/Growth_Cap.html). Additionally, prior to DSH releasing the invoices, a courtesy notification that the county has exceeded its Growth Cap will be sent to the County Executive/Administrator's Office along with a copy sent to any additional authorized representatives that have been placed on file with DSH.*

**Q: In the event that the County does not submit a plan, or it is not approved, what is the disposition of the fine?**

*A: Without the submission of a plan, DSH will be unable to return the funds to the county. DSH intends to approve all plans and will work directly with the counties for additional information that may be needed to assure approval of all plans.*

**Q: Where can detailed guidelines for an 'expenditure plan' be found?**

*A: The expenditure plan guidelines can be found on our webpage, [www.dsh.ca.gov](http://www.dsh.ca.gov), or by using the direct link provided [here](#).*

# Growth Cap Webinar: Expenditure Plan Overview

May 8, 2024

## Question & Answer Sheet

**Q: Is there ever an increase in baseline for population changes?**

*A: Not at this time. The baseline is established in statute and has been set using county data from FY 2021-22.*

**Q: The baseline numbers were decided when facility Average Daily Population (ADP) numbers were low because of COVID, which did not reflect the true ADP numbers. Is there any plan on reevaluating the baseline numbers POST COVID?**

*A: The numbers are not based on Average Daily Population numbers in the state hospitals. The Growth Cap baseline was established utilizing total Incompetent to Stand Trial (IST) commitments referred to DSH on all DSH-funded programs. You may visit the [methodology](#) document online for additional information.*

**Q: What happens if there is an IST ordered to DSH in one fiscal year but reevaluated 1372 the next FY?**

*A: The data cutoff date for outcomes in a given FY is August 31<sup>st</sup> annually as the statute requires DSH to reconcile IST data by September 30<sup>th</sup> annually. Through the reconciliation process DSH identifies outcomes for all IST individuals that were committed to DSH for the given fiscal year before final numbers are released to the counties. Since the data cutoff date is 60 days after the close of the fiscal year, most if not all IST commitments should have a disposition outcome identified by that date.*

**Q: For the invoicing related items, can counties add finance or additional staff to the contact list?**

*A: Yes. If additional people need to receive the invoice you can email the us at: [DSHISTGrowthCap@dsh.ca.gov](mailto:DSHISTGrowthCap@dsh.ca.gov).*

**Q: Can these funds be utilized for JBCT program supplementation?**

*A: No, not technically. JBCT services are delivered at the point at which an individual is IST. The nuance may be if someone is discharged from a JBCT that is now re-entering the community, there could be an opportunity there to facilitate a warm hand off for continuity of care, and to utilize funds for that hand off. In those cases, we encourage you to contact DSH directly to talk through these ideas.*

**Q: Can the funds be used for reentry for those with mental health issues even if they were never IST?**

*A: Yes. If there is a belief that person could be at risk of being IST, that would be an acceptable way to spend those dollars.*

**Q: Confirming the growth cap numbers run from October to October?**

# Growth Cap Webinar: Expenditure Plan Overview

May 8, 2024

## Question & Answer Sheet

*A: The growth cap numbers run by fiscal year from July 1 through June 30. The cutoff for the data has been set at as August 31 annually. The cutoff allows DSH time to reconcile the data by the statutory deadline of September 30<sup>th</sup> annually. Once the cut off has passed, that is deemed the count for that FY.*

**Q: What proportion of these dollars is allowable to cover costs associated with the new administrative burden of these proposed programs?**

*A: Each individual county has the flexibility to decide what proportion of Growth Cap dollars are used to cover administrative costs so long as the activities are connected to reducing the number of ISTs.*

**Q: What is the approximate timeline for the refund? Is it all at once or is it expected to be in various allocations?**

*A: DSH has a maximum 45-day window to reimburse the funds and anticipates the refund to be in one allocation. The goal is to issue funds back as soon as possible. DSH is encouraging that the expenditure plan be submitted as soon as possible so timelines can be expedited.*

**Q: Will a copy of this power point be available/ be sent out?**

*A: Yes. All presentations are shared on our webpage, [Growth Cap](#).*

**Q: Will proposed expenditure plan require county board of sups approval?**

*A: DSH will not require county board of supervisor approval.*

**Q: Can you explain why you are using IST "determination" as part of the count against the cap and not ISY "commitment?" Isn't commitment where DSH is actually impacted?**

*A: We defined determination to be IST commitments referred to DSH and all DSH-funded programs. The definition can be found in the [methodology](#) attachment.*

**Q: For the fines issued this year, what year data/count is that for?**

*A: The fines being sent in 2024 are for FY 2022-23.*

**Q: If while still in custody and already deemed IST and then commits a new crime, which starts a new court case. If the defense pleads 1370 on the new charge will the send IST count towards the growth cap?**

*A: No. That would be considered a recommitment. DSH's goal is to only county an IST referral one time. Any secondary commitments for new crimes would aim to be counted once. DSH specifies how we update the determination counts in the [methodology](#) attachment.*

# Growth Cap Webinar: Expenditure Plan Overview

May 8, 2024

## Question & Answer Sheet

**Q: Since CONREP is a DSH contracted program, will IST's committed to CONREP be counted against the cap?**

*A: Yes. Those are IST commitments referred to a DSH-funded program so they would be included in the count.*