



a program of Law Foundation of Silicon Valley

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Having a Problem with your Mental Health Services?

Mental health consumers often have complaints regarding their outpatient mental health case manager. The most common complaints are case managers not returning calls or not providing help on a certain task, staff are rude or disrespect, poor quality of services or not receiving counseling.

What are my rights regarding my mental health treatment? ¹

Client-Centered Services

As a consumer of mental health services, you have a right to “client-centered” services where you are the “central and deciding figure” in the planning for treatment based on your individual needs. Your treatment should assist you in achieving your personal goals and to live a satisfying life according to your own definition.

Right to a Treatment Plan

Your case manager should work with you to develop a treatment plan that outlines the services you will receive and the goals of your treatment. You should be a part of forming this treatment plan. The treatment plan should be updated at least every year and reviewed according to your progress.²

Least Restrictive Environment

Plus, your treatment should be provided in the most appropriate and least restrictive setting. This means, for example, that if you can live independently, your case manager should help you live independently rather than in a board and care. This could also mean that if you are able to take your medications responsibly, you should be allowed oral medications rather than an injection.

Culturally-Competent Services

Your mental health treatment should be provided in a “culturally competent” way. This means that your treatment providers should provide treatment in a way that is sensitive to your cultural background and experiences. For example, treatment should be provided in a language that you can understand. Culturally-competent services could also mean respecting your values placed on privacy or the importance of your family. It may also mean an understanding of trauma that you have experienced as a result of being a member of a particular immigrant group.

Right to Dignity, Privacy and Humane Care

All mental health consumers have the right to dignity, privacy and humane care. Your medical providers should treat you with respect and should not be rude, insensitive or disrespectful.

¹ Welf. & Inst. Code §5600 et. sec.

² 9 CCR §741

What should I do if I have a complaint about my case manager?

If you are receiving county mental health services from a county clinic or agency such as Alliance for Community Care or Community Solutions, then you have a right to file a grievance with the Santa Clara County Department of Mental Health. However, before filing a grievance against your case manager, we recommend you take the following steps first:

1. Talk to the case manager directly

Most of the complaints that MHAP encounters regarding case managers are problems in communication. Talking to the person directly is the quickest way to solve the problem.

You should give some thought before you discuss the problem with your case manager and identify an outcome that you would like to see. For example, if you feel that your case manager is not responsive to your needs, you should write down specific examples of what occurred in the past and what the case manager can do to better assist you. Bring a copy of your treatment plan with you.

If you don't feel comfortable speaking with your case manager directly or your case manager is not returning your calls, you should consider putting your concerns or request in a letter and sending it to the case manager. You should keep a copy of the letter for yourself.

2. Talk to the Supervisor

If the problem is not solved after speaking with the person directly, you should contact the director of the clinic. You can find out the director's name by calling the main number of the clinic. If you have a complaint regarding your services at Alliance for Community Care, you can contact Alliance's quality improvement department by calling 261-7777.

If you are not getting a response from your phone calls, put the complaint in writing to the supervisor and keep a copy for yourself.

3. File a Grievance

If you are not satisfied with the response from the supervisor, you can file a grievance with the Santa Clara County Department of Mental Health's Quality Improvement Department. The forms for filing a grievance are attached. The Quality Improvement Department will contact you to discuss and investigate your grievance and try to work towards a solution. You can contact the Quality Improvement office by calling 1-800-704-0900 or by writing:

Quality Improvement Program
PO Box 28504
San Jose, CA 95159

You do not have to go through steps 1-2 before filing a grievance, but MHAP recommends you attempt the informal resolution before filing a grievance.

4. File for a State Fair Hearing

If you have Medi-CAL, you have a right to request a “State Fair Hearing” to have an administrative hearing officer hear your complaint and make a decision. The kinds of problems that can be resolved at a hearing are:

- Terminating or reducing your services or putting you on a waitlist for services that you think you need now.
- Disagreement regarding your treatment plan or failure to make a treatment plan.
- Denying you a service or evaluation for a service that you think you need. (For example, if you think you need individual therapy and your case manager will not arrange for it.)

We generally suggest filing a grievance (See #3 above) before you file for a State Hearing. However, you must request a hearing within 90 days from the date your services were terminated, reduced or denied. You should receive a “Notice of Action” describing the denial, reduction or termination and you should file within 90 days of that notice. If you do not receive a “Notice of Action,” you can still file for a hearing and should file as soon as possible. If you file a grievance or a hearing within 10 days after receiving the notice, then your service should continue until after the hearing decision is made.

To request a State Fair Hearing, see the attached “State Fair Hearing Rights” form. If you have questions regarding the State Fair Hearing Process or would like MHAP to review your case for possible representation, please call our intake line at 1-800-248-6427.

What if I want to change my case manager or move to a different clinic?

If you feel the problem with your case manager can not be resolved, you can request a new case manager. You should do this by first writing a letter to your case manager stating why you want to change case managers. If this does not work, you should try to contact the Director of the clinic or file a grievance with the County. (See steps 1-3 above).

You can also request a transfer to a new clinic within Santa Clara County, which should also be done in writing to your case manager. The problem is that a transfer can take several months, it can be a hassle, and many clinics are closed to transfers or have long wait lists. See the attached list of mental health clinics in Santa Clara County.

If you are receiving services in a larger clinic (like Downtown Mental Health or Alliance on the Alameda), consider requesting a change in service teams instead of a change in clinic location. This way, you may be able to get a new doctor and case manager at the same clinic location.

MHAP generally does not assist clients with routine complaints about their outpatient mental health service provider. However, if you are denied mental health services, or have a complaint of abuse by an outpatient mental health service provider or a complaint about a mental health facility or residence, you should contact us at 1-800-248-6427.

DISCLAIMER: This fact sheet is intended to provide accurate, general information regarding legal rights. It does not constitute legal advice. Because laws and legal procedures are subject to frequent change and differing interpretations, Mental Health Advocacy Project cannot ensure the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights for your particular case.

SANTA CLARA COUNTY MENTAL HEALTH DEPARTMENT
County Operated or Contracted Adult Outpatient Mental Health Providers

Momentum for Mental Health

Outpatient

2001 The Alameda
San Jose, CA 95126
(408) 261-7777

Office

438 North White Road
San Jose, CA 95127
(408)254-6828

Catholic Charities of Santa Clara

2625 Zanker Road, Suite 200
San Jose, CA 95134
(408) 468-0100

Central Wellness & Benefits Center

2221 Enborg Lane
San Jose, CA 95129
(408) 885-6220

Community Solutions

San Jose

1356 Ridder Park Road
San Jose, CA 95161
(408) 225-9163

Gilroy

9015 Murray Ave #100
Gilroy, CA 95020
(408) 842-7138

Morgan Hill

16264 Church Street #103
Morgan Hill, CA 95037
(408) 779-2113

Downtown Mental Health Center

1075 E. Santa Clara Street
San Jose, CA 95116
(408) 792-2132

Fair Oaks Mental Health

660 S. Fair Oaks Avenue
Sunnyvale, CA 95085
(408) 992-4800

Indian Health Center

1333 Meridian Avenue
San Jose, CA 95125
(408) 445-3400

Las Plumas Behavioral Health Clinic

1650-K Las Plumas Avenue
San Jose, CA 95133
(408) 272-6726

Narvaez Behavioral Health

614 Tully Road
San Jose, CA 95111
(408) 494-1561

North County Mental Health

231 Grant Avenue
Palo Alto, CA 94303
(650) 321-5545

South County Mental Health

1215 First Street
Gilroy, CA 95020
(408) 686-2360

VHC East Valley Behavioral Health

1993 McKee Road Suite C
San Jose, CA 95116
(408) 926-7949

Ujima Adult and Family Services

2681 Zanker Road, Suite B
San Jose, CA 95134
(408) 928-1700