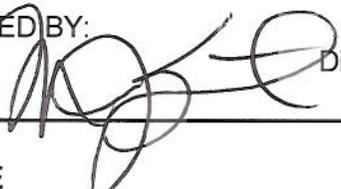




DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

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| APPROVED BY:  Director | SUPERSEDES | ORIGINAL ISSUE DATE | DISTRIBUTION LEVEL(S) 2 |

PURPOSE

- 1.1 To notify Department of Mental Health (DMH) employees, volunteers, contracted individuals, and entities of consequences for violations of any and all applicable Federal, State and County (including DMH) statutes, rules, regulations, policies, and procedures.

POLICY

- 2.1 Graded sanctions will be imposed on an individual(s) who has committed a substantiated non-compliant act(s) or has failed to report such acts.
- 2.2 In situations where non-compliant act(s) are deemed so egregious by the Director, or her/his designee, that they pose an immediate risk to DMH or one of its stakeholders, then *Graded Sanctions* may be replaced by sanctions deemed more appropriate to the situation.

DEFINITIONS

- 3.1 **Contractors:** Any entity or person whose services are contracted for by the County of Los Angeles to provide services to DMH, including locum tenens.
- 3.2 **DMH Employees:** Any person currently employed and holding a paid position in DMH.
- 3.3 **DMH Volunteers:** A person who is recognized as working on behalf of the DMH but is not holding a paid position. (See Policy 600.11)
- 3.4 **Graded Sanctions:** A method that allows for progressive degrees of disciplinary actions that may be imposed upon a subject for failing to comply with Federal, State, County (including DMH) statutes, rules, regulations, policies, and procedures.



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- 3.5 ***Non-Compliant Act.*** Commission of any act, including the failure to report or detect any act that is *not* in accordance with Federal, State, County (including DMH) statutes, rules, regulations, policies, and procedures.

PROCEDURES

- 4.1 There are three (3) separate and distinct groups to which *Graded Sanctions* apply: DMH employees, non-paid DMH employees (includes volunteers and interns) and contractors. The following elements must be present for *Graded Sanctions* to be utilized: confirmation of a non-compliant act(s) and a confirmation of a subject's culpability in such acts. In the application of *Graded Sanctions* consultation with Human Resources Bureau (HRB) shall be required. Subjects under consideration for *Graded Sanctions* must be afforded due process and be advised of their appeal rights.
- 4.2 **Graded Sanctions for DMH Employees:**
Graded Sanctions shall be in accordance with the provisions of DMH Policy 605.1, DISCIPLINE. Please note the PROCEDURES outlined in subparagraphs 4.1-4.15, which address factors to consider in deciding on appropriate discipline, as well as defining the two approaches used by DMH, namely, Progressive and Non-Progressive, Discipline.
- 4.3 **Graded Sanctions for Non-paid DMH Employees (Volunteers):**
Graded Sanctions shall be applied to volunteers except when in conflict with the provisions noted in DMH Policy 600.11, VOLUNTEERS, subparagraphs 7.4-7.5, which call for immediate dismissal when specified actions are taken by the volunteer or at the discretion of the Department. The *Graded Sanctions* shall include an initial warning, reprimand, suspension, and eventual discharge from the position.
- 4.4 **Graded Sanctions for Contractors:**
Graded Sanctions shall be applied as recommended by the DMH Executive Management Team/Compliance Program Steering Committee and approved by the County Counsel. Some of the provisions may include, but not be limited to: Suspension of Payments; reporting of non-compliance to enforcement agencies, the contractors Board of Directors, and when all other options have been



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exhausted, termination of the contract as outlined in the contract providers' respective agreement with the County of Los Angeles.

AUTHORITY

Code of Federal Regulations, Title 42, Section 438.608, Program Integrity requirements

Department of Mental Health Legal Entity Agreement

REVIEW DATE

This policy shall be reviewed five (5) years from the date of the original issuance.