

**OFFICE OF THE DIRECTOR
ATTACHMENT E**

Ref. DL 23-003: INCOMPETENT TO STAND TRIAL GROWTH CAP AND PENALTY
PAYMENTS-WELFARE & INSTITUTIONS CODE (WIC) 4336

**DISPUTE PROCESS**

This attachment outlines how to submit a dispute to the DSH regarding possible discrepancies in the IST determinations applied to a county's growth cap. In the initial year of implementation, two dispute windows will be offered, one for disputes pertaining to a county's 2021-22 baseline calculation determinations and a second for disputes pertaining to a county's 2022-23 IST determinations. Thereafter, a dispute window will be offered only once per year for the county's current IST determinations. DSH will only consider disputes during the published dispute windows. Below is the detailed information on the process of how to file a dispute and dates of dispute windows. Please ensure all information is complete prior to filing your dispute with DSH.

FY 2021-22 Baseline IST Determination Disputes

This dispute window pertains only to the new adjusted baseline determinations shared in August 2023 and is permitted one time.

1. Beginning in August 2023, the individual IST data will be available for release to the counties.
2. From August 1, 2023, through October 31, 2023, Counties have 90 days to submit a dispute regarding FY 2021-22 Baseline counts to DSH. If additional time is needed to complete reconciliation, counties may request a one-time extension of up to 30 days for submission no later than November 30, 2023.
3. From November 1, 2023, through January 31, 2024, DSH will have a 90-day period to review, validate and to provide a response to the county for 2021-22 Baseline IST determination disputes. If a county submits a dispute during a 30-day dispute extension timeframe, DSH's review and response period will end February 29, 2024.

2022-23 Annual & Ongoing IST Determination Disputes

1. DSH will reconcile IST determination counts for the prior FY by September 30th for all IST records received by DSH for the prior FY no later than August 31st annually.
2. Annually by end of October: The reconciled report of prior FY IST determinations for each county will be released to the counties.
3. From November 1 through January 31: Counties will have a 90-day window to submit a dispute to DSH.
4. February 1 to April 30: DSH will then have a maximum 90-day window to review the dispute and provide a response back to the county.
5. Ongoing annually, the window for submission of a dispute will be set as a standard at **90 days** for both the dispute filing from the county and the response on the outcome of the dispute from DSH and invoices will be sent out 30 days following the dispute window.

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**PROCESS**

The following steps must be followed when filing a dispute with DSH:

1. On the individual level detailed reports for FY 2021-22 Baseline IST Determinations and the subsequent Annual Reconciled IST Determinations a blank space will be provided where an action for a dispute can be indicated. The final reconciled IST determination reports provided from DSH should serve as the document for all dispute submissions by counties. The filer should plan to:
 - a. Identify the disputed record(s) in the final reconciled IST determination report provided by DSH and include a detailed explanation or justification outlining the reason(s) for dispute
 - b. Attach any supporting documentation to support the dispute
 - c. Attach a copy of the Commitment Order for each record being disputed
2. If the record being disputed is not referenced on the detailed IST determination report the county should manually fill in the information on the IST determination report and include:
 - a. Full Name of individual committed as IST on a felony charge being disputed, and any known aliases
 - b. Criminal Identification & Information (CII) Number for each record being disputed
 - c. Attach a copy of the commitment order associated with the disputed IST record.
 - d. Include a detailed explanation or justification outlining the reason(s) for dispute
 - e. Attach any supporting documentation to support the dispute

The county's designated representative emails the completed dispute (including all information from steps 1 and 2) to the Growth Cap email inbox: DSHISTGrowthCap@dsh.ca.gov. The subject line of the email should read, "[COUNTY] DISPUTE SUBMISSION"

3. DSH will confirm receipt of the record and proceed through the review of information provided. Requests for additional information may be made if needed.

HELPFUL TIPS

1. For DSH to communicate with the County regarding individualized referral records, the County must have a designated representative on file. To learn how to designate a representative please see Attachment D. Prior to filing a dispute, please make sure your designated point of contact is up to date.
2. Each County will receive unreconciled data reports quarterly. The County may find it helpful to track their referrals quarterly in anticipation of the final reconciled report distributed after the end of each fiscal year. DSH will not consider disputes based on the unreconciled data reports. DSH will only consider disputes after the final reconciled report is distributed and during the designated dispute window.