

Assembly Bill No. 540

Passed the Assembly August 29, 2012

Chief Clerk of the Assembly

Passed the Senate August 28, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Article 5.5 (commencing with Section 14184) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 540, Beall. Medi-Cal: alcohol and drug screening and brief intervention services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions.

This bill would establish the Medi-Cal Alcohol and Drug Screening and Brief Intervention Services Program, under which the department, in consultation with the State Department of Alcohol and Drug Programs, would be required to provide reimbursement under the Medi-Cal program for alcohol and drug screening and brief intervention services provided to Medi-Cal beneficiaries who are pregnant women or women of childbearing age, as specified. This bill would require the nonfederal share of expenditures submitted to the federal Centers for Medicare and Medicaid Services (CMS), for purposes of claiming federal financial participation for services provided pursuant to the program, to be comprised of only those funds that are paid by a public entity, as defined. The bill would require a public entity that elects to participate in the program to reimburse the state for any costs of creating and administering the program. The bill would require the department to seek all necessary federal approvals for the implementation of the program. The bill would make participation in the program voluntary for a qualifying Medi-Cal beneficiary.

The bill would provide that these provisions shall be implemented only if, and to the extent that, federal financial participation is available for that purpose.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Screening and brief intervention for alcohol and other drug abuse, in emergency rooms, primary care centers, clinics, and other settings, have been demonstrated to be valuable and effective tools in the prevention, interruption, and treatment of alcohol and other drug abuse.

(b) Alcohol and drug screening and brief intervention services should be readily available to patients in emergency rooms, primary care centers, clinics, and other appropriate settings.

(c) A Medi-Cal beneficiary eligible for alcohol and drug screening and brief intervention services should not be discriminated against based on his or her type of coverage.

(d) The use of available federal and other funds to support the delivery of alcohol and drug screening and brief intervention services should be maximized.

SEC. 2. Article 5.5 (commencing with Section 14184) is added to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 5.5. Medi-Cal Alcohol and Drug Screening and Brief Intervention Services Program

14184. This article shall be known, and may be cited, as the Medi-Cal Alcohol and Drug Screening and Brief Intervention Services Program.

14184.1. For purposes of this article, the following definitions shall apply:

(a) "Department" means the State Department of Health Care Services.

(b) "Public entity" means a county, or other local governmental entity designated by the department, that elects to provide or contract for alcohol and drug screening and brief intervention services for Medi-Cal beneficiaries who are pregnant women or women of childbearing age pursuant to this article.

14184.2. (a) The Medi-Cal Alcohol and Drug Screening and Brief Intervention Services Program is hereby established.

(b) The department, in consultation with the State Department of Alcohol and Drug Programs, shall, pursuant to this article, provide reimbursement under the Medi-Cal program for alcohol and drug screening and brief intervention services provided to Medi-Cal beneficiaries who are pregnant women or women of childbearing age.

(c) The department, in implementing this article, shall do all of the following:

(1) Create an appropriate mechanism to enable a public entity to pay the nonfederal share of the cost of providing services pursuant to this article.

(2) Submit claims for federal financial participation for the expenditures for the services described in subdivision (b) that are allowable expenditures under federal law.

(3) Establish standards, billing codes, and reimbursement rates for the services described in subdivision (b) that are consistent with Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396 et seq.). The screening and brief intervention model used pursuant to this program shall be the most medically appropriate and within current standards of practice.

(d) The nonfederal share of expenditures submitted to the federal Centers for Medicare and Medicaid Services (CMS) for purposes of claiming federal financial participation shall be comprised of only those funds that are paid by a public entity, as defined in subdivision (b) of Section 14184.1.

(e) The department shall seek all necessary federal approvals in order to implement this article, including any amendments to the state plan. To the extent that any element or requirement of this article is not approved, the department shall submit a request to CMS for any waivers that would be necessary to implement this article.

(f) Upon receipt of federal reimbursement for the claim, including federal matching funds, the department shall provide the reimbursement to the public entity for which the claim was submitted.

(g) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement, interpret, and make specific this article by means of all-county letters, provider bulletins, and similar instructions.

(h) Participation in the screening and intervention program established pursuant to this article shall be voluntary for a Medi-Cal beneficiary. Participation in the program, and results of the screening, shall be maintained in the beneficiary's confidential medical records and shall be subject to all confidentiality requirements applicable to medical records.

(i) General Fund moneys shall not be used in implementing this article to provide alcohol and drug screening and brief intervention services to Medi-Cal beneficiaries who are pregnant or who are women of childbearing age.

(j) A public entity shall, as a condition of receiving federal financial participation for certified public expenditures made for alcohol and drug screening and brief intervention services for a Medi-Cal beneficiary who is pregnant or who is a woman of childbearing age, enter into, and abide by, an agreement with the department regarding the implementation of this section and reimbursement to the department for the department's costs for administering this section. A public entity that elects to participate in the program established pursuant to this article shall reimburse the state for any costs of creating and administering the program.

14184.3. This article shall be implemented only if, and to the extent that, federal financial participation is available for this purpose.

Approved _____, 2012

Governor