



State of California—Health and Human Services Agency
Department of Health Care Services



GAVIN NEWSOM
GOVERNOR

August 26, 2020

To: Tribal Chairpersons, Designees of Indian Health Programs,
and Urban Indian Organizations

Subject: Notice of Proposed Change to the Medi-Cal Program

The purpose of this letter is to provide information regarding a proposed change to the Department of Health Care Services' (DHCS) Medi-Cal Program that will be submitted to the Centers for Medicare and Medicaid Services (CMS). DHCS is forwarding this information for your review and comment.

DHCS is required to seek advice from designees of Indian Health Programs and Urban Indian Organizations on Medi-Cal matters having a direct effect on Indians, Indian Health Programs or Urban Indian Organizations per the American Recovery and Reinvestment Act of 2009 (ARRA). DHCS must solicit the advice of designees prior to submission to CMS of any State Plan Amendment (SPA), waiver requests or modifications, or proposals for demonstration projects in the Medi-Cal program.

Please see the enclosed summary for a detailed description of this DHCS proposal.

QUESTIONS AND COMMENTS:

Indian Health Programs and Urban Indian Organizations may also submit written comments or questions concerning this proposal within 30 days from the receipt of notice. Comments may be sent by email to Angeli.Lee@dhcs.ca.gov or by mail to the address below:

Contact Information

Department of Health Care Services
Director's Office
ATTN: Angeli Lee
MS 0000
P.O. Box 997413
Sacramento, CA 95899-7413

Tribal Chairpersons, Designees of Indian Health Programs,
and Urban Indian Organizations

Page 2

August 26, 2020

In addition to this notice, DHCS plans to cover this SPA in the next quarterly Medi-Cal Indian Health webinar. Please note that Indian Health Programs and Urban Indian Organizations may also request a consultation on this proposal at any time as needed.

Sincerely,

Original Signed By

Sandra Willburn, Chief
Primary, Rural, and Indian Health Division
Department of Health Care Services

Enclosure



Department of Health Care Services Tribal and Designees of Indian Health Programs Notice

PURPOSE

The Department of Health Care Services (DHCS) proposes to submit State Plan Amendments (SPAs) #20-0035 and #20-0036 to the federal Centers for Medicare and Medicaid Services (CMS) to seek necessary approvals to allow physician assistants (PA), nurse practitioners (NP), and clinical nurse specialists (CNS), in addition to physicians as currently authorized in the State Plan, to order home health services, including durable medical equipment (DME) and medical supplies.

BACKGROUND

Federal regulations¹ previously authorized only physicians to order home health services. In response to the 2019 Novel Coronavirus (COVID-19) Public Health Emergency (PHE), DHCS submitted SPA #20-0024² that added temporary flexibilities to waive and/or modify certain requirements of California's State Plan. These flexibilities included allowing licensed practitioners to order home health services, including DME and medical supplies, during the PHE. In addition, earlier this year, CMS updated federal regulations¹ to allow PAs, NPs, and CNSs, in addition to physicians, to order home health services even without a declared PHE.

SUMMARY OF PROPOSED CHANGES

DHCS will submit SPAs #20-0035 and #20-0036 with an effective date of October 1, 2020, so that PAs, NPs, and CNSs can continue to order home health services after the COVID-19 PHE expires. The SPAs will make the State Plan consistent with federal regulations. SPAs #20-0035 and #20-0036 are subject to approval by CMS. They have an effective date of October 1, 2020.

IMPACT TO TRIBAL HEALTH PROGRAMS

To the extent that Tribal Health Programs provide these services, they will have more flexibility in who can order the services.

IMPACT TO FEDERALLY QUALIFIED HEALTH CENTERS (FQHCs)

To the extent that FQHCs provide these services, they will have more flexibility in who can order the services.

IMPACT TO INDIAN MEDI-CAL BENEFICIARIES

Medi-Cal beneficiaries may have increased access to these services, which may improve health outcomes for beneficiaries receiving these services.

¹ [Title 42 of the Code of Federal Regulations, Section 440.70.](#)

² [State Plan Amendment #20-0024](#)

**RESPONSE DATE**

Indian Health Programs and Urban Indian Organizations may also submit written comments or questions concerning this proposal within 30 days from the receipt of notice. Comments may be sent by email to Angeli.Lee@dhcs.ca.gov or by mail to the address below:

Department of Health Care Services
Director's Office
ATTN: Angeli Lee
MS 0000
P.O. Box 997413
Sacramento, CA 95899-7413