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DIRECTOR

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



GAVIN NEWSOM
GOVERNOR

February 23, 2022

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 PublicInput@dhcs.ca.gov or by mail to the address below:

Contact Information

Department of Health Care Services
Director's Office
1500 Capitol Avenue, MS 0000
Sacramento, CA 95814

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and Urban Indian Organizations
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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 request a consultation on this proposal at any time as needed.

Sincerely,

Original signed by

Andrea Zubiato, Acting Chief
Office of Tribal Affairs
Department of Health Care Services

Enclosure



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

PURPOSE

To seek federal approval to update references and definitions, clarify requirements, and remove outdated information for Medi-Cal Rehabilitative Mental Health Services.

BACKGROUND

Medi-Cal Specialty Mental Health Services (SMHS), including Medi-Cal Rehabilitative Mental Health Services, are provided by or arranged for by county Mental Health Plans. Rehabilitative Mental Health Services include Mental Health Services, Medication Support Services, Day Treatment Intensive, Day Rehabilitation, Crisis Intervention, Crisis Stabilization, Adult Residential Treatment Services, Crisis Residential Treatment Services, and Psychiatric Health Facility Services.

DHCS proposes to update references to medical necessity, simplify the definition of “assessment”, remove the existing client plan requirement and update associated plan development activities for Medi-Cal Rehabilitative Mental Health Services. This change is consistent with the department’s California Advancing and Innovating Medi-Cal (CalAIM) initiative through which DHCS proposes to update documentation requirements and align with national standards.

SUMMARY OF PROPOSED CHANGES

DHCS proposes the following changes for Medi-Cal Rehabilitative Mental Health Services:

- Update references to medical necessity;
- Simplify the definition of “assessment;”
- Remove the existing client plan requirement; and
- Update associated plan development activities.

The proposed changes are consistent with the Department’s California Advancing and Innovating Medi-Cal (CalAIM) initiative through which DHCS proposes to update documentation requirements and align with national standards.

DHCS is also proposing updates to clarify the Rehabilitative Mental Health Services that can be provided via telehealth and the site requirements for Day Rehabilitation.

DHCS is proposing to replace the term “telemedicine” with “telehealth” for consistency across the department as DHCS moves toward utilizing the term “telehealth”. Finally, DHCS is removing the term and definition for “community meetings” as it is unnecessary and duplicative of the activities covered under “process groups” and “therapeutic milieu”.

The proposed effective date for this SPA is July 1, 2022.

IMPACT TO TRIBAL HEALTH PROGRAMS

To the extent that a Tribal Health Program (THP) provides SMHS, this SPA may impact it, because the THP will be required to ensure their programs comply with the revised definition of “assessment” and “treatment planning” and ensure that Day Rehabilitation programs meet site requirements. THPs that offer SMHS will be able to provide the specified services via telehealth, as defined, in accordance with state and federal law; however, this change to the state plan is consistent with current practice. THPs that provide SMHS will also no longer be required to ensure that Day Treatment Intensive Services include “community meetings.” Additional guidance regarding reimbursement for SMHS will be provided in an upcoming Behavioral Health Information Notice.

IMPACT TO FEDERALLY QUALIFIED HEALTH CENTERS (FQHCs)

To the extent that a FQHC provides SMHS, this SPA may impact it, because the FQHC will be required to ensure their programs comply with the revised definition of “assessment” and “treatment planning” and ensure that Day Rehabilitation programs meet site requirements. FQHCs will be able to provide the specified services via telehealth, as defined, in accordance with state and federal law; however, this change to the state plan is consistent with current practice. FQHCs that provide SMHS will also no longer be required to ensure that Day Treatment Intensive Services include “community meetings.” Additional guidance regarding reimbursement for SMHS will be provided in an upcoming Behavioral Health Information Notice.

IMPACT TO INDIAN MEDI-CAL BENEFICIARIES

Indian Medi-Cal beneficiaries will continue to receive “assessments” and “treatment planning” for SMHS in accordance with these new definitions and be able to receive Day Rehabilitation services at locations that meet the specified site requirements (Day Rehabilitation services may not be available at THPs depending on the services they offer); will be able to receive SMHS via telehealth in accordance with federal and state law; and will no longer be required to receive “community meetings” as a part of their Day Treatment Intensive services.

RESPONSE DATE

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

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