



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



EDMUND G. BROWN JR.
Governor

December 19, 2012

TO: ALL COUNTY WELFARE DIRECTORS Letter No.: 12-35
ALL COUNTY WELFARE ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MEDS LIAISONS

SUBJECT: Inpatient Psychiatric Care for Incarcerated Juveniles – Interim Instructions For Implementation of the April 5th, 2010, *City and County of San Francisco and Santa Clara vs. Shewry* Court Order

The court order issued in the matter of the *City and County of San Francisco and County of Santa Clara v. Shewry* requires that the California Department of Health Care Services (DHCS) “not deny Medi-Cal coverage of inpatient psychiatric hospital services provided to an otherwise eligible individual under age 21, on the grounds that the individual is in the custody of or detained by a city or county or by the state.” Effective May 1, 2011, DHCS must provide covered inpatient psychiatric hospital services to Medi-Cal eligible incarcerated juveniles. The purpose of this All County Welfare Directors Letter (ACWDL) is to provide County Welfare Departments (CWDs) and County Mental Health Departments (MHDs) with interim instructions to identify eligible juveniles that receive inpatient psychiatric care during their incarceration in a public institution.

Background

On April 5, 2010, the California Superior Court ordered that DHCS provide Medi-Cal coverage of inpatient psychiatric hospital services to eligible juveniles regardless of their institutional status. DHCS was served this court order on May 25, 2011, and has since begun work to comply with the court order and provide Medi-Cal coverage to eligible juvenile inmates who receive inpatient psychiatric hospital services.

Federal financial participation (FFP) is only available for inpatient psychiatric services provided at a licensed and certified Psychiatric Acute Care Hospital (PACH) enrolled as a provider in the Medi-Cal program that contracts with the county Mental Health Plan. To avoid violation of federal laws that prohibit Medi-Cal reimbursement for unenrolled providers located at prison facilities, the inpatient psychiatric services provided to eligible juvenile inmates must be provided off the grounds of the correction facility. The services available

to incarcerated juveniles under this court order will be limited to acute inpatient psychiatric hospital services at a licensed and certified PACH which is enrolled in the Medi-Cal program and contracting with the local county Mental Health Plan.

What Medi-Cal cases will be eligible for Medi-Cal coverage under the court order?

Otherwise Medi-Cal eligible incarcerated juveniles who:

- a. are under age 21;
- b. receive acute inpatient psychiatric hospital services off the grounds of the correctional facility and;
- c. receive the above services on or after May 1, 2011.

This order pertains to all Medi-Cal eligible juvenile inmates, even if their Medi-Cal eligibility is suspended.

Interim Instructions

Until the necessary instructions are issued, CWDs should coordinate with County Mental Health Plans (MHPs) and County Mental Health Directors to identify and track any Medi-Cal cases of incarcerated Medi-Cal beneficiaries under age 21, who are known to receive acute inpatient psychiatric hospital services at a licensed and certified PACH off the grounds of the correctional facility on or after May 1, 2011. This includes all incarcerated juveniles who are currently Medi-Cal eligible, whether or not their eligibility has already been suspended. Counties should continue to suspend eligibility in accordance with ACWDL 10-06 until the department provides further instructions.

County MHPs that process inpatient psychiatric hospital claims should inform the appropriate contact of any provider claims for inpatient psychiatric services provided to juvenile inmates until appropriate aid codes and instructions to reinstate Medi-Cal eligibility in the Medi-Cal Eligibility Data System (MEDS) have been developed to cover inpatient psychiatric services provided to eligible incarcerated juveniles on or after May 1, 2011.

County Medi-Cal staff may need to work with correctional facilities, probation departments, and county mental health agencies to identify Medi-Cal eligible juveniles that have received inpatient psychiatric services off the grounds of the correctional facility so that these claims can be tracked in accordance with these interim instructions.

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If you have any questions regarding this letter please contact Mr. Antonio Weary at (916) 552-9496 by phone, or by email at tweary@dhcs.ca.gov

Original Signed By

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