PATH Justice-Involved Capacity Building Guidance Round 2: Pre-Release Eligibility and Enrollment Implementation Support

Introduction

California statute (AB-133 Health; Chapter 143) mandates all counties implement pre-release Medi-Cal enrollment processes by January 1, 2023. Establishing pre-release Medi-Cal enrollment processes is part of the State's vision to enhance the Medi-Cal health care delivery system for justice-involved populations. Implementation of pre-release enrollment and suspension processes will help ensure Medi-Cal coverage upon re-entry into the community in order to facilitate access to needed Medi-Cal covered services. These processes are also foundational to the provision of Medi-Cal services in the 90 days prior to release, as requested by the Department of Health Care Services (DHCS) through its CalAIM 1115 Demonstration request.[1]

California has received targeted expenditure authority through "Providing Access and Transforming Health" (PATH) as part of its CalAIM section 1115 demonstration. PATH is a $1.85 billion initiative made up of two programs: One will support the implementation of Enhanced Care Management (ECM) and Community Support Services,[2] and the other will support the implementation of statewide justice-involved initiatives.[3] California's approved 1115 waiver Special Terms and Conditions provide additional details regarding both CalAIM as well as PATH initiatives.[4]

The DHCS CalAIM Section 1115 demonstration waiver initially requested a total of $561 million in expenditure authority for PATH funding to support implementation of pre-release enrollment and suspension processes *as well as* pre-release and re-entry services. The final approved waiver includes $151 million in expenditure authority to support implementation of pre-release enrollment and suspension processes. DHCS is currently negotiating approval for $410 million in additional expenditure authority that will support implementation of pre-release and re-entry planning services in the 90 days prior to release.

The PATH Justice-Involved Capacity Building Program will provide funding to support implementation of pre-release Medi-Cal application and suspension processes. This

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[1] On December 29, 2021, DHCS received approval from CMS for a portion of the 1115 demonstration request. Negotiations between the State and CMS on the request to provide targeted services in the 90 days prior to release are ongoing. Approved waiver is available at: https://www.dhcs.ca.gov/provgovpart/Documents/CalAIM-1115-Waiver-Approval-Letter-STCs-12-29-21.pdf

[2] https://www.dhcs.ca.gov/enhancedcaremanagementandinlieuofservices

[3] CalAIM 1115 Waiver Approved Special Terms and Conditions: https://www.dhcs.ca.gov/provgovpart/Documents/CalAIM-1115-Approval-Letter-and-STCs.pdf.

[4] Ibid

program will provide funding to support collaborative planning, as well as IT system modifications necessary to implement pre-release Medi-Cal application and suspension processes. This program will provide $151 million in funding to correctional agencies, correctional institutions, and County Social Service Departments (County SSDs) that will be made available in two rounds:

1. Round 1 is a **planning grant** funding opportunity that will provide small planning grants to correctional agencies (or an entity applying on behalf of a correctional agency) to support collaborative planning with County SSDs and other enrollment implementation partners to identify processes, protocols, and IT modifications that are necessary to support implementation of pre-release enrollment and suspension processes.
2. Round 2 is an **implementation grant** funding opportunity that will provide larger application-based grants to support entities as they implement the processes, protocols, and IT system modifications that were identified during the Round 1 planning phase. While entities do not need to participate in Round 1 in order to apply for funding in Round 2, the Round 1 planning grant funds provide an opportunity to support the development of a comprehensive application for Round 2 funding.

This document is solely focused on Round 2 of the PATH Justice-Involved Capacity Building Program. Additional information regarding Round 1 of the PATH Justice-Involved Capacity Building program may be found on the DHCS CalAIM justice-involved webpage.

PATH Justice-Involved Capacity Building Program Round 2: Pre-Release Eligibility and Enrollment Implementation Support

Overview

Round 2 of the PATH Justice-Involved capacity building program will provide implementation grants to correctional agencies (or their delegates) and County SSDs (or their delegates) to support them as they implement processes, protocols, and IT system modifications that are necessary to implement or modify pre-release Medi-Cal enrollment and suspension processes. This funding can be used for investments in personnel, infrastructure, capacity, or IT systems that are needed to effectuate pre-release enrollment and suspension processes. Additional details regarding eligibility, the application process, and permissible uses of funding are described below. Eligible entities may apply for Round 2 of the PATH Justice-Involved Capacity Building program via the PATH JI Portal. Interested applicants are encouraged to carefully review the information below before completing their application.

Eligibility

The following entities are eligible to apply for funding through this initiative: County SSDs, County Sheriff's Offices to support county jails, County Probation Offices to support youth correctional facilities, and the California Department of Corrections and Rehabilitation (CDCR) to support state prisons. The Sheriff's Office or Probation Office within a county must submit a joint application with the County SSD. The joint application will include separate budgets for the Sheriff's Office / Probation Office and County SSD. Sheriff's Offices and Probation Offices will be required to work with their local County SSD to support development of the application and budgets for this initiative. Sheriff's Offices, Probation Offices, and County SSDs *may not* apply for funding independently. CDCR *may* apply for funding independently with a letter of support from the County Welfare Directors Association (CWDA).

In some counties, the Department of Public Health or another county agency actively manages correctional health services and is responsible for coordinating Medi-Cal screening, enrollment, and suspension for individuals in correctional institutions. In these cases, the county agency that is responsible for coordinating Medi-Cal screening, enrollment, and suspension for individuals in correctional institutions may apply for funding and manage awarded funds in lieu of the County Sheriff's Office, Probation Office, or County SSD if appropriate. For example, a County Department of Public Health that manages the Medi-Cal screening, enrollment, and suspension processes for adult jails in the county may complete the application and receive awarded funds on behalf of the County Sheriff's Office. If an alternative county agency completes this application on a Sheriff's Office, Probation Office's, or County SSD's behalf, then that county agency will be required to include a letter of support from the local Sheriff's Office, Probation Office, or County SSD as part of their application. A single delegate may complete this application and receive awarded funds on behalf of both the local Sheriff's Office, the local Probation Office, and the local County SSD if appropriate.

Operational Criteria

Round 2 applications will be assessed against a set of 'operational criteria' that describe processes that correctional agencies and County SSDs are required to implement in order to receive PATH JI Round 2 funding. **Entities completing applications for Round 2 funding will be required to explain at a high- level how they intend to use PATH funding to support the implementation or refinement of the processes described below**. If a correctional agency / County SSD applicant already has one or more of these processes in place, then they will be required to explain at a high level how that process currently operates. As a reminder, DHCS is still negotiating for approval of 90-day pre-release Medi-Cal services. We encourage you to consider and account for this likely future approval in the design and uses of Round 2 PATH funding for modifications to application, enrollment, and suspension processes.

Correctional institutions are required to implement the following processes in order to apply for Round 2 funding:

- Screen and identify individuals for Medi-Cal eligibility or individuals currently enrolled in Medi-Cal coverage as part of the intake process or pre-release planning;
- Facilitate the completion of Medi-Cal applications on behalf of identified individuals or coordinating with a third party entity to complete applications during the pre-release planning process;
- Transmit the Medi-Cal application, cover letter, and release of information form to County SSD using effective and efficient processes and systems to share information electronically including via: secure email; secure shared file environment; or secure file transfer. Fax and mail are not considered to be acceptable methods for electronically sharing information between correctional institutions and County SSDs;
- Start the process to coordinate with County SSD to unsuspend coverage or re-enroll individuals in Medi-Cal within 90-days prior to release, and as close to intake as possible for individuals with stays less than 90 days;
- Collect, store, and exchange information on incarceration and release dates to facilitate unsuspension between correctional agency and County SSD;
- Develop and provide security clearances / protocols and safety assurances for external personnel assisting with eligibility and enrollment who may not have experience working in correctional settings (if needed), and the enrolling individual, and facilitating their ingress, egress, and movement throughout the correctional setting as needed to assist with these functions, including providing adequate space and technology;
- Identify and maintain a list of the names, emails, and phone numbers for key points of contact with the local County SSD who can assist with troubleshooting Medi-Cal application questions and sending follow-up information as needed;
- Develop a cover letter template that is to be submitted during the pre-release process with the Medi-Cal application to County SSD to ensure the Medi-Cal applications are identified for purposes of pre-release planning and processed in a timely manner; and
- Identify private settings (e.g., rooms for confidential attorney visits) where correctional staff or others can help individuals complete the information needed to enroll in Medi-Cal.

County social service departments are required to implement the following processes in order to apply for Round 2 funding:

- Receive and act on suspension and unsuspension information from correctional institutions consistent with applicable laws and regulations, within 3 – 5 business days of receipt to the extent possible, including activating aid codes for 90-day

pre-release services and notifying correctional agencies when individuals are enrolled in Medi-Cal and/or have been assigned a 90-day pre-release aid code;

- Identify and maintain a list of the names, emails, and phone numbers of key points of contact within local correctional institutions and agencies, as well as the California Department of Corrections and Rehabilitation, who can assist with troubleshooting Medi-Cal application questions and sending follow-up information as needed; and
- Host regular meetings as needed with application assisters, local correctional agencies and institutions, Medi-Cal managed care plans, county behavioral health agencies, and other stakeholders to discuss and troubleshoot Medi-Cal enrollment and suspension operational issues.

Additional best practices include[5]:
- Correctional agencies and County SSDs should support and facilitate video / teleconferences with individuals in correctional institutions and remote eligibility workers, or embed county social services department eligibility workers in correctional institutions to handle application activities in person;
- Correctional agencies and County SSDs should establish and implement initial and ongoing training for staff assisting with the Medi-Cal enrollment and unsuspension processes to ensure they understand Medi-Cal eligibility, enrollment, and unsuspension rules;
- Correctional agencies and County SSDs should establish processes for furnishing Benefits Identification Cards (BIC) to Medi-Cal enrollees upon release from correctional institutions;
- Correctional agencies should use a task management system to organize release dates and track when individuals need their Medi-Cal enrollment suspended or un-suspended; and
- County SSDs should provide active notifications to County Behavioral Health Agencies to alert them when their patients have Medi-Cal enrollment suspended or unsuspended.

Application Process
Correctional agencies and County SSDs will be eligible to apply for funding through this initiative starting in August 2022 until December 31st 2022. The ability of a correctional agency or County SSD to receive Round 2 funding is not contingent on when they submit their application during this period. Entities are not required to have participated in Round 1 of the PATH Justice-Involved Capacity Building Program in order to apply for funding in Round 2. In order to receive funding in Round 2, entities will be required to

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[5] Note: Correctional Agencies and County SSDs are strongly encouraged to adopt these best practices but they are not required to do so in order to receive PATH JI Round 2 funding.

complete a standardized application form developed by DHCS. This application form will collect the following information:

- Amount of funding requested, including completed budget templates from the correctional agency and the County SSD, and justification for why funds are needed;
- High-level plan describing how applicant will implement or refine each of the operational criteria described in the 'operational criteria' section above;
- Plan to support collaboration with County SSDs, community-based organizations, or other correctional agencies facilitating Medi-Cal application and unsuspension processes;
- Plan to support collaboration with local MCPs and County Behavioral Health Agencies to ensure alignment and understanding of new pre-release enrollment and unsuspension processes, including letters of support from the local County Behavioral Health Agency and at least one MCP; and,
- Description of a sustainability plan.

Applications will be reviewed by a third-party administrator (TPA) contracted by DHCS for completeness and accuracy and to ensure that intended uses of funding are permissible. The TPA will recommend applications for funding to DHCS within 30 days of receipt. DHCS will ultimately approve applications upon receipt from the TPA and will notify applicants of awards via email. If DHCS or the TPA identify issues or questions related to applications, they may reach out to applicants via email to seek additional information. If applications are not approved or are pending additional information, then DHCS or the TPA will respond in writing and will describe specific reasons for denial of the application or the specific information required to continue reviewing the application. In these cases, applicants will have 30 days to address issues flagged by DHCS or the TPA and resubmit applications for approval. Additional details regarding the application submission process will be released at a later date.

Permissible Uses of Funding

This funding is intended to support the direct implementation of pre-release enrollment and suspension processes. Funds from this round can be used for investments in infrastructure, capacity, or IT systems that are needed to effectuate pre-release enrollment and suspension processes. Funding recipients may pass through funding to individual correctional institutions, vendors, and other entities as needed to support implementation activities. Please note that County SSDs may only use PATH funding to support implementation activities that are not eligible for administrative or Medicaid Enterprise System matching funds from the Centers for Medicare and Medicaid Services (CMS). If entities are unsure of whether their planned activities would qualify as permissible uses of funding under this initiative, then they are encouraged to check

with the PATH TPA prior to submitting their application by emailing justice-involved@ca-path.com, with the subject 'PATH JI Round 2.' DHCS will not set a deadline by which PATH Round 2 funding recipients must spend their funds, but applicants will be required to define their grant period (i.e., start and end date for spending their award) in both their PATH Round 2 application and grant agreement.

Specific permissible funding uses include but are not limited to the following:

- Modifying technology and IT systems needed to support Medi-Cal enrollment and suspension processes (including, for example, building or updating data systems to track individuals who cycle in and out of incarceration, or building or updating systems to integrate health and eligibility data into one platform);
- Recruiting, hiring, onboarding, and training staff to assist with the coordination of Medi-Cal enrollment and suspension for justice-involved individuals;
- Development or modification of protocols and procedures that specify steps to be taken in preparation for and execution of the Medi-Cal enrollment and suspension processes for eligible individuals;
- Facilitating collaborative planning activities between correctional institutions, correctional agencies, County SSDs, and other stakeholders as needed to support planning, implementation, and modification of Medi-Cal enrollment and suspension processes;
- Modifications to physical infrastructure to support implementation of Medi-Cal pre-release enrollment and suspension processes; and,
- Other activities approved by the State.

PATH JI Round 2 funding may be used to support staff salaries for positions that support the planning or implementation of pre-release Medi-Cal application processes. The following guardrails apply if applicants intend to support planning and implementation-related staff salaries with PATH JI Round 2 funding:
- Funding for salary support may only be requested for the portion of FTE that is directly pertinent to planning/implementation of pre-release application processes (i.e., if FTE dedicates 10% of their time to planning/implementation of the pre-release Medi-Cal application process, the entity may apply for PATH funds to cover 10% of salary).
- Requests for salary support must be reasonable relative to salaries for similar positions within the region.
- Applicants may apply for up to 5% additional funding (as compared to requested funding for salary) to support indirect rates.
- Funding for direct salary support may include costs associated with fringe benefits, subject to guardrails enumerated here.

- DHCS recommends that applicants cap funding for planning and implementation-related salary support as described below. Applicants that anticipate needing a longer time period to expend PATH Round 2 funding to support staff salaries may request an extended time cap in their PATH Round 2 application. As needed, applicants should include justification for extending the timeline to support staff salaries in the budget template "justification section".
    - For <u>correctional facilities</u>, funding for salary support will be capped at:
        - 18 months in duration from the time of funding disbursement for new positions; or
        - 12 months in duration from the time of funding disbursement for positions with new responsibilities.
    - For County SSDs funding for salary support will be capped at 18 months in duration from the time of funding disbursement and will only be available for new positions that are supporting the planning/implementation of pre-release application processes.
        - County SSDs may not apply for salary support for positions that are entirely funded through Medi-Cal administrative matching funds.

Applicants may request funding to support one or more of the permissible use categories described above. When entities apply for funding, they will be required to include in their application the total funding amount requested and a high-level description of how the requested funding will be used. Additionally, entities will be required to submit a separate budget template to the TPA to provide additional detail on their funding request as it relates to each permissible use category described above. This budget template will collect information including descriptions, justifications, and requested funding associated with each item, or activity for which the applicant is requesting funding. Correctional agencies and County SSDs submitting joint applications must use a single budget template to report their two separate budgets.

Funding Methodology

The maximum amount of funding that applicants are eligible to request will depend on the type of applicant and the number of correctional institutions within their jurisdiction.

Applicant Type	Funding Limit
CDCR	$100,000 per correctional facility
County SSDs	$150,000 per adult jail and youth correctional facility
Probation Office	$250,000 per youth correctional facility
Sheriff's Office	$500,000 per adult jail

If the applicant applied for Round 1 funding, any unspent funds from the previous round may be rolled over to Round 2. Approved applicants will receive 80% of approved

funding within 60 days of application approval, and will receive the remaining portion of approved funding upon completion of an interim progress report. Please see the Progress Reporting Requirements' section below for additional information on the progress report process.

Progress Reporting Requirements

Funding recipients will be required to submit several progress reports to the PATH TPA to describe their progress in implementing or refining pre-release enrollment and suspension processes. Correctional agencies and County SSDs will submit progress reports separately. The progress reports will collect the following information, at a minimum:

- Narrative description of entity's capabilities and processes to support programmatic requirements necessary to implement pre-release enrollment processes, including progress towards each operational criteria described in program applications;
- High-level explanation of how funds were used to date;
- Attestation of non-duplication and supplantation of PATH funding; and,
- Description of collaborations or working sessions with local County SSDs, local Medi-Cal MCPs, and County Behavioral Health Agencies.

Correctional Agencies: Correctional agencies will be required to submit an interim progress report once they have successfully implemented any 6 of the 9 correctional agency operational criteria described in the 'Operational Criteria' section above. Interim progress reports submitted by correctional agencies will be reviewed and approved by the PATH TPA according to criteria developed by DHCS.

Correctional agencies will receive the remaining 20% of approved funding upon submission and approval of their interim progress report. Correctional agencies will also be required to submit a final progress report once they have successfully implemented each of the operational criteria described in the 'Operational Criteria' section above.

County SSDs: County SSDs will be required to submit an interim progress report once they have successfully implemented any 2 of the 3 County SSD operational criteria described in the 'Operational Criteria' section above. Interim progress reports submitted by County SSDs will be reviewed and approved by the PATH TPA according to criteria developed by DHCS.

County SSDs will receive the remaining 20% of approved funding upon submission and approval of their interim progress report. County SSDs will also be required to submit a final progress report once they have successfully implemented each of the operational criteria described in the 'Operational Criteria' section above.

When entities submit their final progress report, they will be required to attest that they have successfully implemented each of their respective operational criteria. Templates for the interim and final progress reports as well as details on the submission processes will be released at a later date. Both correctional agencies and County SSDs will be required to complete a readiness assessment before fully implementing pre-release Medi-Cal services. Information included in final progress reports for PATH JI Round 2 may be leveraged to complete readiness assessments at a later date. Additional information regarding the readiness assessment process are forthcoming from DHCS.

Program Oversight and Monitoring

DHCS and the PATH TPA will take multiple steps to ensure adequate program oversight and monitoring, including the following:

- Funding recipients will be required to attest that:
  - o PATH funding will be expended as described in the program application and budget template and will only be used to support permissible uses of funding.
  - o PATH funding will not duplicate or supplant funding received from other federal, state, or local sources.
- Funding recipients may be required to respond to general inquiries from DHCS or the TPA pertaining to this initiative and progress toward activities described in program applications. Entities that fail to meaningfully engage with DHCS or the TPA in response to these inquiries may be:
  - o Subject to audit and, if necessary, recoupment by DHCS to ensure adequate documentation, application, and reporting of permissible expenditures only; and/or
  - o Precluded from receiving additional PATH funding.
- Funding recipients are required to alert DHCS and the TPA if circumstances prevent them from carrying out activities described in program applications. In these cases, entities may be required to return unused funds to DHCS depending on the circumstances in question.
- Funding recipients will be required to submit progress reports in a manner / frequency determined by DHCS. Failure to submit progress reports or include required information may preclude the entity from receiving additional PATH

funding. Funding recipients will be expected to complete an attestation of system readiness following the completion of Round 2 activities.
- DHCS or the TPA may conduct spot audits to ensure funds are spent on permissible uses and are documented and reported appropriately.

Timeline

The draft 2022 timeline for Rounds 1 and 2 of the PATH JI Capacity Building Program is shown in the figure below.

Activity	June	Jul	Aug	Sep	Oct	Nov	Dec
Open Application Period for Round 1	▓	▓					
Round 2 guidance Released		▓					
Round 2 Application Released			▓				
Open Application Period for Round 2			▓	▓	▓	▓	▓

Questions

Thank you for your interest in the PATH Justice-Involved Capacity Building Program. If you have general questions about the PATH Justice-Involved Capacity Building Program or any of the information included in this document, then please email justice-involved@ca-path.com with the subject 'PATH JI Round 2'.