



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



EDMUND G. BROWN JR.
GOVERNOR

DATE: February 5, 2016

MHSUDS INFORMATION NOTICE NO.: 16-004

TO: COUNTY BEHAVIORAL HEALTH PROGRAM DIRECTORS
COUNTY DRUG & ALCOHOL ADMINISTRATORS
COUNTY BEHAVIORAL HEALTH DIRECTORS ASSOCIATION
CALIFORNIA COUNCIL OF COMMUNITY BEHAVIORAL HEALTH
AGENCIES
COALITION OF ALCOHOL AND DRUG ASSOCIATIONS

SUBJECT: PROVISION OF ICC AND IHBS AS MEDICALLY NECESSARY
THROUGH EPSDT

REFERENCE: [MHSD INFORMATION NOTICE 13-10](#)
[MHSD INFORMATION NOTICE 13-11](#)
[MHSD INFORMATION NOTICE 13-19](#)
[MHSUDS INFORMATION NOTICE 14-010](#)
[MHSUDS INFORMATION NOTICE 14-36](#)

The purpose of this Department of Health Care Services (DHCS) Mental Health and Substance Use Disorder Services (MHSUDS) Information Notice is to remind county Mental Health Plans (MHPs) that they are obligated to provide Intensive Care Coordination (ICC) and Intensive Home Based Services (IHBS) services to beneficiaries under age 21 who are eligible for the full scope of Medi-Cal services and meet the medical necessity criteria for Specialty Mental Health Services. This notice clarifies that neither membership in the *Katie A.*¹ class or subclass is a prerequisite to receiving medically necessary ICC and IHBS services, and therefore a child need not have an open child welfare services case to be considered for receipt of these services.

BACKGROUND

EPSDT Services

Federal Medicaid law requires states to provide EPSDT services to beneficiaries under the age of 21 who are eligible for the full scope of Medicaid services, as medically necessary, to correct or ameliorate defects and physical and mental illnesses or

¹ *Katie A. etc., et al. v Bonta etc. et al.*, Class Action Settlement Agreement (Case No. CV-02-056662 JAK [SHx])

conditions. This requirement obligates states to provide Medicaid-covered services whether included in a State's Medicaid State Plan or not.² In California, Medicaid specialty mental health services are provided by MHPs through a waiver and MHPs are responsible for providing, or arranging for the provision of, those services for eligible beneficiaries. ICC and IHBS are allowable services under the Medicaid Act as an EPSDT benefit, when medically necessary.

Katie A.

The class action lawsuit *Katie A. v. Bonta* was filed on July 18, 2002, and in 2011 a settlement agreement was reached in the case. The settlement agreement transformed the way that California's child welfare and mental health systems work together to facilitate the provision of an array of services (including ICC and IHBS) that are coordinated, comprehensive, and community-based. It also identified a subclass of children and youth with more intensive needs and called for these beneficiaries to receive ICC and IHBS in their own home or in the most homelike setting appropriate to their needs in order to facilitate reunification and to meet their needs for safety, permanency, and well-being. Court jurisdiction over the settlement agreement ended in December 2014.

MHP OBLIGATION TO PROVIDE ICC AND IHBS

MHPs are obligated to provide ICC and IHBS through the EPSDT benefit to all children and youth under the age of 21 who are eligible for the full scope of Medi-Cal services and who meet medical necessity criteria for these services. Neither membership in the *Katie A.* class nor subclass is a prerequisite to consideration for receipt of ICC and IHBS, and therefore a child does not need to have an open child welfare services case to be considered for receipt of these services. This Information Notice supersedes any prior guidance to the extent it conflicts with this Information Notice regarding ICC and IHBS services.

DHCS will update the existing "Medi-Cal Manual for ICC, IHBS, and TFC for *Katie A.* Subclass Members" as well as other resources to provide further clarification. All components of ICC and IHBS, including the establishment of a Child and Family Team and the provision of services through the principles of the Core Practice Model, remain in effect.

² Mental Health Services Division (MHSD) Information Notice No. 13-01 and 42 U.S.C. § 1396a(a)(43) and 42 U.S.C. § 1396d(r).

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Questions regarding this Information Notice may be directed to Dina Kokkos-Gonzales, Chief, Mental Health Services Division at (916) 654-2147.

Sincerely,

Original signed by

Karen Baylor, Ph.D., LMFT, Deputy Director
Mental Health & Substance Use Disorder Services

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