

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE: California

**Individuals with Intellectual Disabilities/Continuous Nursing (IID/CN), Non-Ventilator Dependent Services**

**I. SERVICE DEFINITION:**

IID/CN, Non-Ventilator Dependent Services, also referred to as Intermediate Care Facilities for the Developmentally Disabled – Continuous Nursing (ICF/DD-CNs) are provided to participants who require 24-hour personal care, developmental services, and nursing supervision, are non-ventilator dependent and are developmentally disabled. Participants must be certified by a physician as requiring continuous skilled nursing care. Participants who are ventilator dependent may not receive IID/CN, Non-Ventilator Dependent Services. Only individuals with developmental disabilities are eligible to receive IID/CN services.

An ICF/IID-CN Providing IID/CNC Non-Ventilator Dependent Services:

An ICF/IID-CN shall employ a variety of providers and render services as indicated below. The individuals providing IID/CN Non-Ventilator Dependent services to participants shall meet all licensing requirements as specified in the Business and Professions Code. The primary services provided by an ICF/IID-CN are continuous skilled nursing care and developmental disability services and support, which must be available to participants on a 24-hour, 7-days per week basis.

Nursing Services:

1. Sufficient RN and LVN staffing to allow a minimum of four (4) hours per participant per day of non-duplicated skilled nursing, with a minimum of two (2) hours of the four (4) hours being non-duplicated RN staffing. All LVN staffing must be supervised by an RN who is available by telephone at all times.
2. Participants residing in an ICF/IID-CN residence must have available 24-hour skilled nursing services provided by or under the direct supervision of an RN. As required under California Business and Professions Code §2725, an LVN may render services under the supervision of an RN when the RN is not physically present, within their scope of practice.
3. A minimum of one RN or one LVN in the facility and awake at all times.
4. All staff rendering direct care must maintain currently required, unrevoked licenses and/or certifications and must receive ongoing training specific to the population being served.
5. Skilled nursing care includes:
  - a. Assistance with ADLs and IADLs
  - b. Tracheostomy and respiratory care
  - c. IV therapy

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- d. Feeding and elimination care (including tubes)
- e. Medication administration
- f. Skin care

## Other Health Related Services:

1. In addition to skilled nursing services, an ICF/IID-CN shall provide or arrange for the following basic services, as described on a participant's care plan:
  - a. Medical supervision
  - b. Pharmacy consultation
  - c. Dietary consultation
  - d. Social services
  - e. Recreational services
  - f. Transportation to and from necessary medical appointments
  - g. Housekeeping and laundry services
  - h. Cooking and shopping
  - i. Any developmentally disabled-related services as specified in the participant's service plan.
2. Each participant will be assessed for needed or required services as identified by the individual, their legal representative/legally responsible adult(s), primary care physician, family, caregivers, and/or other individual at the request of the individual. The ICF/IID-CN will establish an Individualized Care Plan (ICP). to address how these services will be provided, the frequency of the services and identify the provider for those services that are not included in the IDF/IID-CN's per diem rate. The ICF/IID-CN will be responsible for arranging for such services, including counseling, physical, occupational or speech therapy, education and training for the participant and/or caregivers, assessment for and repair of durable medical equipment and off-site personal care services.

Prior to rendering any services, the provider must be enrolled as a Medi-Cal provider in compliance with state and federal law. Any services provided prior to the provider's enrollment as a Medi-Cal provider as required by state and federal law are not eligible for payment under Medi-Cal.

**II. SERVICE LIMITATIONS:**

IID/CN, non-ventilator dependent services are limited to the following:

As stated above under "Service Definition," continuous (24-hour) skilled nursing care and other necessary medical, nursing and developmental services as needed by the participant:

1. Sufficient RN and LVN staffing to allow a minimum of four (4) hours per participant per day of non-duplicated skilled nursing with a minimum of two (2) hours of the four (4) hours per participant per day being of non- duplicated RN staffing. All LVN staffing must be supervised by an RN who is available by telephone at all times.

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2. Participants residing in an ICF/IID-CN must receive 24-hour skilled nursing services provided by or under the direct supervision of an RN. As required under California Business and Professions Code §2725, an LVN may render services under the supervision of an RN when the RN is not physically present, within their scope of practice.
3. A minimum of one RN or one LVN must be in the facility and awake at all times.
4. All staff rendering direct care must maintain currently required, unrevoked licenses and/or certifications and must receive ongoing training specific to the population being served.
5. The following nursing care needs are included within the scope of continuous nursing:
  - a. Assistance with ADLs and IADLs
  - b. Ventilator, tracheostomy and respiratory care
  - c. IV therapy
  - d. Feeding and elimination care (including tubes)
  - e. Medication administration
  - f. Skin care

When the direct care needs of a participant cannot be met by providing 24 hours of direct care services, the ICF/IID-CN facility must contact DHCS to discuss potential resources to meet the needs of the participant to continue to protect their health and welfare.

This service is only authorized for individuals age 21 and over. All medical necessity IID/CN, Non-Ventilator Dependent Services for children under the age of 21 are covered in the state plan pursuant to the EPSDT benefit.

**III. PROVIDER QUALIFICATIONS**

1. Licensed as an ICF/IID-N – Annual verification by the California Department of Public Health (CDPH) Licensing and Certification Division
2. Enrolled in the Medi-Cal program as an ICF/IID-CN

As a Service Provider of Individuals with Intellectual Disabilities/Continuous Nursing (IID/CN), Non-Ventilator, the ICF/IID-CN will provide a home-like setting for individuals who choose an ICF/IID-CN as their place of residence. As a Service Provider, the ICF/IID-CN shall meet all applicable licensing standards.

An ICF/IID-CN is a residential facility licensed and regulated by the Department of Public Health, with a non-institutional, homelike environment and provides inpatient care that includes the following array of services: medical supervision, 24-hour skilled nursing services and supportive care including pharmacy, dietary, social, recreational and other services. These services are provided to participants who meet the required medical level of care criteria and are persons whose medical condition(s) are within the scope of practice for an ICF/IID-CN as follows: persons who are developmentally disabled with physical and mental disabilities that preclude independent living and self-care. Such persons may be diagnosed with a terminal illness or a life-threatening illness or may be catastrophically and severely disabled. The primary

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need of ICF/IID-CN residents shall be the availability of skilled nursing care on a continuous basis.

**IV. LEGAL AUTHORITY AND REQUIREMENTS**

1. An ICF/IID-CN shall be licensed as an ICF/IID-N in accordance with Health and Safety Code (HSC) §1250(m) and §1250(h), [§1265 et.al.](#), [§1266 et.al.](#) and [§1268.6](#); and CCR, Title 22, Division 5, Chapter 8, Article 2; and shall provide skilled nursing services in accordance with the CCR, Title 22, §51003 and 51344.
2. Until regulations are developed specifically for ICF/IID-CN's per §1250(m), the licensed ICF/IID-Ns, providing continuous nursing services as ICF/IID-CN's, shall comply with federal certification standards for intermediate care facilities for individuals with intellectual disabilities, as specified in Sections 483.400 to 483.480, inclusive, of Title 42 of the Code of Federal Regulations, in effect immediately preceding January 1, 2018. ([HSC 1275.3\(d\)](#))
3. A facility providing continuous skilled nursing services to persons with developmental disabilities pursuant to Section 14132.20 or 14495.10 of the Welfare and Institutions Code shall apply for licensure within 90 days after the regulations become effective, and may continue to operate pursuant to those sections until its licensure application is either approved or denied. ([HSC 1250\(m\)](#))
4. Notwithstanding the physician and surgeon nursing certification requirements of HSC sections 1250(e) and 1250(h), ICF/IID-CN facilities shall provide continuous nursing care for its patients.
5. An ICF/IID-CN must be enrolled as a Medi-Cal provider and shall also meet the standards specified in Health and Safety Code §1250(m), and CCR, Title 22, §51200(a) and 51003.30 through 51000.55. Any subsequent adopted laws or regulations that exceed the ICF/IID-CN provider participant requirements shall supersede the specified CCR sections and shall be applicable to all ICF/IID-CN providers.

**V. PHYSICAL PLANT AND HEALTH AND SAFETY REQUIREMENTS**

1. To protect the health and safety of the participant, the physical plant of the ICF/IID-CN shall conform to the requirements of CCR, Title 22, Division 5, Chapter 8, Article 5, as described in part in the following:
  - a. Must meet all requirements of the federal ICF/MR Conditions of Participation, Physical Environment [42 CFR §483.470(a)(1) through (k)(2)].
  - b. Each ICF/IID-CN must submit an initial emergency plan for evacuation and sheltering in place, no later than 30 days following the signing of the provider contract or agreement. The emergency plan will be reviewed, revised as necessary and be submitted annually to the California Department of Public Health (CDPH) coordinator for review and approval.

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- i. The plan will include detailed written plans and procedures to meet all potential emergencies and disasters [42 CFR §483.75(m) and 483.470(h); Health and Safety Code §1336.3(b); CCR, Title 22, §73929(a) and (b)].
  - ii. The provider's "External Disaster Plan" should address those types of emergencies relevant to the residence and its geographical location; the needs of the individuals served; and the highest risks for the residence's area. The plan must consider all of the following: transportation needs, sources of emergency utilities and supplies, procedures for assigning and recalling staff, procedures for moving participants from damaged areas of the residence, provisions for the conversion of useable space, procedure for emergency transfers of patients, evacuation routes, emergency phone numbers of physicians, health facilities and local fire and Emergency Medical Technician (EMT) personnel, procedures for maintaining a record of participant movement and the method of sending all pertinent personal and medical information with them, security of the residence, procedures for the emergency discharge of participants, and provisions for prompt medical assessment and treatment of participants and staff as needed.
  - iii. Each provider is encouraged to consult with local emergency planning officials to confirm that their plan does not conflict with the city and/or county plans.
- c. Obtain and maintain a valid fire clearance from the appropriate authority having jurisdiction over the facility, based on compliance with state regulations concerning fire and life safety, as adopted by the State Fire Marshall.
  - d. The ICF/IID-CN shall be maintained as a homelike, residential setting with sufficient space to allow for the comfort and privacy of each resident and adequate space for the staff to complete their tasks.
  - e. Common areas in addition to the space allotted for the residents' sleeping quarters, shall be provided in sufficient quantity to promote the socialization and recreational activities of the residents.
  - f. Residents' sleeping quarters will allow sufficient space for safe storage of their property, possessions, and furnishings and still permit access for the staff to complete their necessary health care functions.
  - g. Bathrooms of sufficient space and quantity shall be provided to allow for the hygiene needs of each resident and the ability of the staff to render care without spatial limitations or compromise.
  - h. The facility will be maintained in good repair and shall provide a safe, clean, and healthy environment at all times. All persons shall be protected from hazards throughout the premises.

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1. All services rendered by the ICF/IID-CN shall require approval and re-approval.
2. Each ICF/IID-CN shall maintain a medical record chart for each participant in residence. This medical record shall include documentation regarding all participant contact made with facility professional personnel, current ICPs, referral requests and outcomes of said referrals and shall be available to appropriate DHCS staff for any scheduled or unscheduled visit. All facility documentation shall be maintained in compliance with the applicable Federal and State laws, Medi-Cal, and shall be retained by the facility for three years.
3. The ICF/IID-CN shall also maintain records to document that all requirements specified in the State Plan have been met, including those requirements related to staffing of the facility.

**VII. TRAINING REQUIREMENTS**

1. The ICF/IID-CN shall provide training regarding services appropriate for each participant based upon the participant's care needs, to all facility staff. Appropriate in-house supervisors shall arrange for the training of their staff to be provided by the ICF/IID-CN. Provision of this training is a requirement to be a provider and is not separately reimbursed by Medi-Cal.
2. Such training shall be conducted on a quarterly basis and shall be documented, including the information taught, attendees, and the qualifications of the instructor. The ICF/IID-CN is also responsible for providing appropriate orientation for all new facility employees.
3. CDPH's Licensing and Certification Division will be responsible for determining if the policies and procedures for training of ICF/IID-CN staff are adequate to provide and sufficient care to residents and to maintain their health and safety.
4. Prior to rendering any services under the State Plan, the provider must be enrolled as a Medi-Cal provider in compliance with state and federal law. Any services provided prior to the provider's enrollment as a Medi-Cal provider as required by state and federal law are not eligible for payment under Medi-Cal.

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**Individuals with Intellectual Disabilities/Continuous Nursing Care, Ventilator Dependent Services**

**I. SERVICE DEFINITION:**

IID/CN, Ventilator Dependent Services are provided to participants who require 24-hour personal care, developmental services, and nursing supervision, are ventilator dependent and are developmentally disabled. Participants must be certified by a physician as requiring continuous skilled nursing care and services must be available to participants 24 hours a day, 7 days a week. Participants who are non-ventilator dependent may not receive IID/CN, Ventilator Dependent Services. Only individuals with developmental disabilities are eligible to receive Individuals with Intellectual Disabilities/Continuous Nursing (IID/CN) services.

An ICF/IID-CN Providing IID/CN Services:

An ICF/IID-CN shall employ a variety of providers and render services as indicated below. The individuals providing IID/CN Ventilator Dependent services to participants shall meet all licensing requirements as specified in the Business and Professions Code. The primary services provided by an ICF/IID-CN are continuous skilled nursing care and developmental disability services and support, which must be available to participants on a 24-hour, 7-days per week basis.

Nursing Services:

1. Sufficient RN and LVN staffing to allow a minimum of four (4) hours per participant per day of non-duplicated skilled nursing, with a minimum of two (2) hours of the four (4) hours being non-duplicated RN staffing. All LVN staffing must be supervised by an RN who is available by telephone at all time.
2. Participants residing in an ICF/IID-CN residence must have available 24-hour skilled nursing services provided by or under the direct supervision of an RN. As required under California Business and Professions Code §2725, an LVN may render services under the supervision of an RN when the RN is not physically present, within their scope of practice.
3. A minimum of one RN or one LVN in the facility and awake at all times.
4. All staff rendering direct care must maintain currently required, unrevoked licenses and/or certifications and must receive ongoing training specific to the population being served.
5. Skilled nursing care includes:
  - a. Assistance with ADLs and IADLs
  - b. Ventilator, tracheostomy and respiratory care
  - c. IV therapy
  - d. Feeding and elimination care (including tubes)

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- e. Medication administration
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## Other Health Related Services:

1. In addition to skilled nursing services, an ICF/IID-CN shall provide or arrange for the following basic services, as described on a participant's care plan:
  - a. Medical supervision
  - b. Pharmacy consultation
  - c. Dietary consultation
  - d. Social services
  - e. Recreational services
  - f. Transportation to and from necessary medical appointments
  - g. Housekeeping and laundry services
  - h. Cooking and shopping
  - i. Any developmentally disabled-related services as specified in the participant's service plan.
2. Each participant will be assessed for needed or required services as identified by the individual, their legal representative/legally responsible adult(s), primary care physician, family, caregivers, and/or other individual at the request of the individual. The ICF/IID-CN will establish an Individualized Care Plan (ICP) to address how these services will be provided, the frequency of the services and identify the provider for those services that are not included in the ICF/IID-CN's rate under the State Plan. The ICF/IID-CN will be responsible for arranging for such services, including counseling, physical, occupational or speech therapy, education and training for the participant and/or caregivers, assessment for and repair of durable medical equipment and off-site personal care services.

Prior to rendering any services, the provider must be enrolled as a Medi-Cal provider in compliance with state and federal law. Any services provided prior to the provider's enrollment as a Medi-Cal provider as required by state and federal law are not eligible for payment under Medi-Cal.

**II. SERVICE LIMITATIONS:**

IID/CN, ventilator dependent services are limited to the following:

As stated above under "Service Definition," continuous (24-hour) skilled nursing care and other necessary medical, nursing and developmental services as needed by the participant:

1. Sufficient RN and LVN staffing to allow a minimum of four (4) hours per participant per day of non-duplicated skilled nursing with a minimum of two (2) hours of the four (4) hours per participant per day being of non-duplicated RN staffing. All LVN staffing must be supervised by an RN, who is available by telephone at all times.
2. Participants residing in an ICF/IID-CN must receive 24-hour skilled nursing services provided by or under the direct supervision of an RN. As required under California



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Business and Professions Code §2725, an LVN may render services under the supervision of an RN when the RN is not physically present, within their scope of practice.

3. A minimum of one RN or one LVN must be in the facility and awake at all times.
4. All staff rendering direct care must maintain currently required, unrevoked licenses and/or certifications and must receive ongoing training specific to the population being served.
5. The following nursing care needs are included within the scope of continuous nursing:
  - a. Assistance with ADLs and IADLs
  - b. Ventilator, tracheostomy and respiratory care
  - c. IV therapy
  - d. Feeding and elimination care (including tubes)
  - e. Medication administration
  - f. Skin care

When the direct care needs of a participant cannot be met by providing 24 hours of direct care services, the facility must contact DHCS to discuss potential resources to meet the needs of the participant to continue to protect their health and welfare.

This service is only authorized for individuals age 21 and over. All medical necessity IID/CN Ventilator Dependent Services for children under the age of 21 are covered in the state plan pursuant to the EPSDT benefit.

**III. PROVIDER QUALIFICATIONS**

1. Licensed as an ICF/IID-N – Annual verification by the California Department of Public Health (CDPH) Licensing and Certification Division
2. Enrolled in the Medi-Cal program as an ICF/IID-CN

The ICF/IID-CN will provide a home-like setting for individuals enrolled Medi-Cal who choose an ICF/IID-CN as their place of residence. As a Service Provider, the ICF/IID-CN shall meet all applicable licensing standards and will adhere to the documentation, training, and quality assurance requirements identified in the State Plan.

An ICF/IID-CN is a residential facility licensed and regulated by the Department of Public Health, with a non-institutional, homelike environment and provides inpatient care that includes the following array of services: medical supervision, 24-hour skilled nursing services and supportive care including pharmacy, dietary, social, recreational and other services. These services are provided to participants who meet the required medical level of care criteria and are persons whose medical condition(s) are within the scope of practice for an ICF/IID-CN as follows: persons who are developmentally disabled with physical and mental disabilities that preclude independent living and self-care. Such persons may be diagnosed with a terminal illness or a life-threatening illness or may be catastrophically and severely disabled. The primary need of ICF/IID-CN residents shall be the availability of skilled nursing care on a continuous basis.

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**IV. LEGAL AUTHORITY AND REQUIREMENTS**

1. An ICF/IID-CN shall be licensed as an ICF/IID-N in accordance with Health and Safety Code (HSC) §1250(m) and §1250(h), [§1265 et.al.](#), [§1266 et.al.](#) and [§1268.6](#); and CCR, Title 22, Division 5, Chapter 8, Article 2; and shall provide skilled nursing services in accordance with the CCR, Title 22, §51003 and 51344.
2. Until regulations are developed specifically for ICF/IID-CN's per §1250(m), the licensed ICF/IID-Ns, providing continuous nursing services as ICF/IID-CN's, shall comply with federal certification standards for intermediate care facilities for individuals with intellectual disabilities, as specified in Sections 483.400 to 483.480, inclusive, of Title 42 of the Code of Federal Regulations, in effect immediately preceding January 1, 2018. ([HSC 1275.3\(d\)](#))
3. A facility providing continuous skilled nursing services to persons with developmental disabilities pursuant to Section 14132.20 or 14495.10 of the Welfare and Institutions Code shall apply for licensure within 90 days after the regulations become effective, and may continue to operate pursuant to those sections until its licensure application is either approved or denied. ([HSC 1250\(m\)](#))
4. Notwithstanding the physician and surgeon nursing certification requirements of HSC sections 1250(e) and 1250(h), ICF/IID-CN facilities shall provide continuous nursing care for its patients.
5. An ICF/IID-CN must be enrolled as a Medi-Cal provider and shall also meet the standards specified in Health and Safety Code §1250(m), and CCR, Title 22, §51200(a) and 51003.30 through 51000.55. Any subsequent adopted laws or regulations that exceed the ICF/IID-CN provider participant requirements shall supersede the specified CCR sections and shall be applicable to all ICF/IID-CN providers.

**V. PHYSICAL PLANT AND HEALTH AND SAFETY REQUIREMENTS**

1. To protect the health and safety of the participant, the physical plant of the ICF/IID-CN shall conform to the requirements of CCR, Title 22, Division 5, Chapter 8, Article 5, as described in part in the following:
  - a. Must meet all requirements of the federal ICF/MR Conditions of Participation, Physical Environment [42 CFR §483.470(a)(1) through (k)(2)].
  - b. Each ICF/IID-CN must submit an initial emergency plan for evacuation and sheltering in place, no later than 30 days following the signing of the provider contract or agreement. The emergency plan will be reviewed, revised as necessary and be submitted annually to the California Department of Public Health (CDPH) coordinator for review and approval.
    - i. The plan will include detailed written plans and procedures to meet all potential emergencies and disasters [42 CFR §483.75(m) and

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483.470(h); Health and Safety Code §1336.3(b); CCR, Title 22, §73929(a) and (b)].

- ii. The provider's "External Disaster Plan" should address those types of emergencies relevant to the residence and its geographical location; the needs of the individuals served; and the highest risks for the residence's area. The plan must consider all of the following: transportation needs, sources of emergency utilities and supplies, procedures for assigning and recalling staff, procedures for moving participants from damaged areas of the residence, provisions for the conversion of useable space, procedure for emergency transfers of patients, evacuation routes, emergency phone numbers of physicians, health facilities and local fire and Emergency Medical Technician (EMT) personnel, procedures for maintaining a record of participant movement and the method of sending all pertinent personal and medical information with them, security of the residence, procedures for the emergency discharge of participants, and provisions for prompt medical assessment and treatment of participants and staff as needed.
- iii. Each provider is encouraged to consult with local emergency planning officials to confirm that their plan does not conflict with the city and/or county plans.
- c. Obtain and maintain a valid fire clearance from the appropriate authority having jurisdiction over the facility, based on compliance with state regulations concerning fire and life safety, as adopted by the State Fire Marshall.
- d. The ICF/IID-CN shall be maintained as a homelike, residential setting with sufficient space to allow for the comfort and privacy of each resident and adequate space for the staff to complete their tasks.
- e. Common areas in addition to the space allotted for the residents' sleeping quarters, shall be provided in sufficient quantity to promote the socialization and recreational activities of the residents.
- f. Residents' sleeping quarters will allow sufficient space for safe storage of their property, possessions, and furnishings and still permit access for the staff to complete their necessary health care functions.
- g. Bathrooms of sufficient space and quantity shall be provided to allow for the hygiene needs of each resident and the ability of the staff to render care without spatial limitations or compromise.
- h. The facility will be maintained in good repair and shall provide a safe, clean, and healthy environment at all times. All persons shall be protected from hazards throughout the premises.

**VI. DOCUMENTATION**

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3. The ICF/IID-CN shall also maintain records to document that all requirements specified in the State Plan have been met, including those requirements related to staffing of the facility.

**VII. TRAINING REQUIREMENTS**

1. The ICF/IID-CN shall provide training regarding services appropriate for each participant based upon the participant's care needs, to all facility staff. Appropriate in-house supervisors shall arrange for the training of their staff to be provided by the ICF/IID-CN. Provision of this training is a requirement to be a provider and is not separately reimbursed by Medi-Cal.
2. Such training shall be conducted on a quarterly basis and shall be documented, including the information taught, attendees, and the qualifications of the instructor. The ICF/IID-CN is also responsible for providing appropriate orientation for all new facility employees.
3. CDPH's Licensing and Certification Division will be responsible for determining if the policies and procedures for training of ICF/IID-CN staff are adequate to provide and sufficient care to residents and to maintain their health and safety.
4. Prior to rendering any services, the provider must be enrolled as a Medi-Cal provider in compliance with state and federal law. Any services provided prior to the provider's enrollment as a Medi-Cal provider as required by state and federal law are not eligible for payment under Medi-Cal.