STATE OF CALIFORNIA

MEDI-CAL SUPERIOR SYSTEMS WAIVER (SSW) COMPREHENSIVE RENEWAL

October 1, 2019 – September 30, 2021

Table of Contents

I. The Waiver Program

A. California Medi-Cal Superior Systems Waiver

This comprehensive SSW renewal request describes Fee-For-Service (FFS) utilization management in California hospitals for inpatient hospital stays from October 1, 2019 - September 30, 2021.

Section 1903(i)(4) of the Social Security Act precludes federal funding under Medicaid for a hospital or skilled nursing facility that does not have a Utilization Review (UR) plan in effect that meets the requirements set forth in section 1861(k) of the Social Security Act. Section 1903(i)(4) also provides that these requirements may be waived when a State Medicaid Agency, such as the Department of Health Care Services (DHCS), demonstrates that it has a UR procedure in place that is superior to the federal requirement.

In FFS Medi-Cal, DHCS currently operates under the SSW for the UR of most acute inpatient stays. The SSW waives certain federal UR requirements for acute inpatient hospitalization and allows 75 percent Federal Financial Participation reimbursement for monitoring and oversight using a combination of approaches including evidence-based medical criteria, such as InterQual® and MCG® (formerly Milliman Care Guidelines) and TARs depending on the type of acute inpatient service, the hospital type, and the characteristics of the beneficiary's health care coverage.

B. Acute Inpatient Utilization Management Approaches Included in the SSW

DHCS utilizes two approaches to acute inpatient utilization management:

- **TAR process --** Hospitals submit TAR requests to DHCS for review and approval prior to claiming for services; and

- **TAR-Free process --** Hospitals use evidence-based standardized medical review criteria to determine medical necessity and submit claims for services. DHCS performs a post-payment/post-service compliance review**.**

Table 1 (on the next page) provides detail on how these two approaches are currently utilized and subsequent sections of this waiver describe these two approaches.

I. The Waiver Program, continued: TABLE 1

TYPE OF ACUTE	NON-DESIGNATED PUBLIC HOSPITALS AND PRIVATE HOSPITALS TAR-FREE PROGRAM	DESIGNATED PUBLIC HOSPITALS (That participate in the Designated Public Hospital TAR-Free Project)
General acute care inpatient stay – Full Scope Aid Code	Hospital UR for the admission utilizing InterQual®/MCG – DHCS to review a statistically valid claim sample	Hospital UR for each acute day utilizing InterQual®/MCG – DHCS to review a statistically valid sample
General acute care inpatient stay – Restricted Aid Code	TAR for admission	Hospital UR for each acute day utilizing InterQual®/MCG and Medi-Cal restricted aid code coverage policy – DHCS to review a statistically valid sample
OB admission with delivery that falls within AB 1397[1] **Normal vaginal delivery with a minimum inpatient stay of 48 hours or a caesarean section delivery with a minimum inpatient stay of 96 hours.**	No TAR or InterQual®/MCG required	No TAR or InterQual®/MCG required
OB prolonged stays with delivery exceeding timeframe within AB 1397[1]	No TAR or InterQual®/MCG required	Hospital UR utilizing InterQual®/MCG for each additional acute day outside of AB 1397[1]
OB admission without a delivery – Full Scope Aid Code	Hospital UR for the admission utilizing InterQual®/MCG – DHCS to review a statistically valid claim sample	Hospital UR for each acute day utilizing InterQual®/MCG – DHCS to review a statistically valid sample

[1] *Coverage for inpatient hospital care may be for a time less than 48 or 96 hours following a delivery, if prescribed by the treating physician and (1) the decision to discharge the mother and newborn is in consultation with mother; or (2) a post-discharge follow-up visit for mother and newborn occurs within 48 hours of discharge.*

I. The Waiver Program, continued: TABLE 1

TYPE OF ACUTE	NON-DESIGNATED PUBLIC HOSPITALS AND PRIVATE HOSPITALS TAR-FREE PROGRAM	DESIGNATED PUBLIC HOSPITALS (That participate in the Designated Public Hospital TAR-Free Project)
Well baby stays - Full Scope and Restricted Aid Code (utilizing maternal aid code)	No TAR or InterQual®/MCG required, per AB 1397[1]	No TAR or InterQual®/MCG required, per AB 1397[1]
Neonate (sick baby) stays – Full Scope and Restricted Aid Code (utilizing maternal aid code)	Hospital UR for the admission utilizing InterQual®/MCG – DHCS to review a statistically valid claim sample (Please note that this does not apply to California Children's Services (CCS) or Service Authorization Requests)	Hospital UR for each acute day utilizing InterQual®/MCG – DHCS to review a statistically valid claim sample (Please note that this does not apply to CCS or Service Authorization Requests)
OB admission without a delivery - Restricted Aid Code	TAR for admission	Hospital UR for each acute day utilizing InterQual®/MCG and Medi-Cal pregnancy-related care coverage policy – DHCS to review a statistically valid sample
Administrative Days	TAR every day	Hospital UR applying Medi-Cal policy and requirements – DHCS to review a statistically valid sample
Acute Inpatient Intensive Rehabilitation (AIIR)	TAR every day	Hospital UR utilizing InterQual®/MCG – DHCS to review a statistically valid sample
Hospice – General Inpatient Care	TAR every day	TAR every day

[1] *Coverage for inpatient hospital care may be for a time less than 48 or 96 hours following a delivery, if prescribed by the treating physician and (1) the decision to discharge the mother and newborn is in consultation with mother; or (2) a post-discharge follow-up visit for mother and newborn occurs within 48 hours of discharge.*

II. Treatment Authorization Request (TAR) Process

DHCS operates five Medi-Cal Field Offices located in Los Angeles, Sacramento, San Bernardino, San Diego and San Francisco. The Medi-Cal Field Offices are currently responsible for the UR of inpatient services within their geographic jurisdictions.

On July 1, 2013 and January 1, 2014, respectively, all private hospitals and NDPHs transitioned from billing each day of an approved acute inpatient stay to a payment methodology based on Diagnosis Related Groupings (DRGs) as mandated by Welfare & Institutions Code section 14105.28. As a result of this change in payment methodology, DHCS transitioned NDPHs and private hospitals from submitting a TAR to the field office for each day of a hospital stay for full scope FFS beneficiaries, to submitting a TAR for determination of the medical necessity of the admission for most services.

A. Services Requiring a TAR

The following list describes in more detail the services and beneficiaries from **Table 1** where a TAR will continue to be required.

1. Restricted Aid Code Beneficiaries

Applicable to NDPHs and Private Hospitals only
Beneficiaries in this category are only eligible to receive acute inpatient hospital services covered under their aid code. This restricted aid code policy is not part of the standardized medical review criteria used by hospitals; therefore, a TAR is required for the admission.

2. Obstetrics (OB) Admissions

Applicable to NDPHs, Private Hospitals
A TAR is required for OB admissions without a delivery for restricted aid code beneficiaries only. For full scope beneficiaries without a delivery, the hospital will utilize standardized medical review criteria for the admission.

NOTE: For all OB admissions with a delivery, the hospital may directly claim; no TAR or standardized medical criteria admission review is required.

3. Acute Administrative Days

Applicable to NDPHs and Private Hospitals
Acute administrative days in NDPHs and private hospitals are not being paid using the DRG methodology because the logic for this lower level of criteria is not included in the DRG algorithm. Therefore, acute administrative days require a daily TAR.

4. Hospice – Acute General Inpatient

Applicable to All Hospitals
A daily TAR is required for acute general inpatient hospice. This applies to all hospitals.

5. Acute Inpatient Intensive Rehabilitation (AIIR)

Applicable to NDPHs and Private Hospitals only
A daily TAR is required for AIIR services at NDPHs and private hospitals only.

6. Acute Inpatient Services at Out-of-State Hospitals

A TAR is required for all acute inpatient services rendered at hospitals physically located outside of California with the exception of OB admissions with a delivery and well-baby stays.

B. Provider TAR Appeals

Pursuant to California Code of Regulations, Title 22, section 51003.1, a provider may submit an appeal if a TAR is modified or denied. The Appeals and Litigation Section at DHCS Headquarters is charged with the statewide responsibility for objectively adjudicating appeals for all TAR types, including the hospital TARs described in this SSW. The Appeals and Litigation Section is also responsible for the review and processing of TAR-related litigation against DHCS. The Appeals and Litigation Section is staffed with Medical Consultants to review, analyze, uphold, or overturn TAR determinations made in the field offices. In addition, they assist in identifying quality assurance issues through tracking and trending of various data elements.

C. Beneficiary Fair Hearings

Medi-Cal applicants and Medi-Cal beneficiaries have the right to a fair hearing if dissatisfied with any action, or failure to act, of the county department with respect to their eligibility, certification, and amount of liability; or with any action of DHCS with respect to the scope and duration of health care services.

The federal UR Plan does not specify a structured appeals process and allows reconsideration of adjudication decisions by the same group and/or individual that modified or denied the original request. California's system is superior because of the formal structure of the appeals process for providers and fair hearing process for beneficiaries. Provider appeals are reviewed by state physicians and nurses independent of those making the original TAR decisions in the local field offices. Beneficiary fair hearings are conducted by Administrative Law Judges employed by California's Department of Social Services.

III. Monitoring and Oversight of Hospitals' Use of Evidence-Based Standardized Medical Review Criteria

A. DPHs

In 2008, acute inpatient UR at DPHs began transitioning from DHCS reviewing 100 percent of all hospital days via the TAR process to the DPHs performing their own acute inpatient UR using evidence-based standardized medical review criteria, such as InterQual® or MCG®. As of January 1, 2019 all but one of the DPHs continue this process.

DHCS uses paid claims data to perform independent clinical oversight and monitoring to ensure federal funds are claimed appropriately. This is done by reviewing a data-driven sample of cases to determine if a hospital is appropriately using standardized medical review criteria. In addition, DHCS may augment the sample with focused reviews to ensure that Medi-Cal policy is applied appropriately. For example, a focused review may consist of a sample of medical records for beneficiaries with restricted aid codes to ensure that the services for which the hospital submitted claims are only for services covered by a beneficiary's aid code and any emergency services are medically necessary under the state and federal definition.

B. NDPHs & Private Hospitals

In April 2016, DHCS Medi-Cal Field Offices began monthly electronic reviews for admissions on or after February 1, 2016, for the first nine NDPHs and private hospitals that transitioned to TAR-Free reviews. Electronic reviews are more efficient than on-site reviews as they eliminate staff travel and the need for providers to provide space for staff to perform on-site reviews. Using a monthly pool of FFS Medi-Cal paid claims for NDPHs and private hospitals, DHCS draws a post-payment/post-service sample of cases to review to determine the medical necessity of the admissions. As previously mentioned, NDPHs and private hospitals are required to continue to submit TARs for FFS claims for most restricted aid codes, as well as those for emergency and pregnancy-related services (non-delivery), hospice, acute rehabilitation stays, and administrative days.

Although DHCS is making good progress in implementing TAR-Free reviews for all NDPHs and private hospitals (currently 83 hospitals participate in this program), DHCS continues to encounter barriers that prevent it from transitioning remaining NDPHs and private hospitals as projected in the current SSW (October 1, 2017 through September 30, 2019).

One barrier is limited access to hospital electronic medical records (EMRs). This is largely due to the difficulty of managing the log-in information of approximately 200 DHCS staff for multiple and often disparate hospitals or hospital systems. Specific EMR access issues range from disagreements between hospital IT, clinical, and management staff on how to provide state staff with access to their EMRs, to managing numerous passwords and processes for DHCS staff. DHCS has assigned staff to serve as liaisons with hospital staff in managing passwords and other access issues.

DHCS works to engage all appropriate hospital staff early in the TAR-Free transition process to help facilitate state staff access to hospital EMR systems.

As a long-term solution to EMR access challenges, DHCS is procuring an enhanced clinical data collection system to collect and review clinical information for selected Medi-Cal members admitted to acute care hospitals. This *clinical data exchange* accepts an industry standard file that will contain clinical data. The data will be accepted, validated, and made available to the Management Information System/Decision Support System Data Warehouse. This new system will allow DHCS to collect data from hospitals in industry-standard formats, therefore reducing DHCS' reliance on accessing each hospital's EMR system. It is anticipated that the clinical data exchange will be implemented in late 2019 or early 2020.

Some hospitals are currently unable to transition to EMRs from the use of paper processes due to a lack of IT capability and resources and/or geographic remoteness. DHCS will continue its outreach and training and will leverage EMR funding whenever possible to address these additional barriers. Increasing provider capacity for EMRs and electronic reviews as well as creating an enhanced data collection system are part of DHCS' continued efforts to comply with the Medicaid Information Technology Architecture initiative standards and requirements.

Per Welfare and Institutions Code, section 14105.28 subdivision (b)(1)(A)(i), DPHs, psychiatric hospitals, and AIIR hospitals are excluded from the DRG payment methodology. Further, subdivision (b)(1)(B) states that DRG-based payments shall apply to all inpatient hospital claims, except claims for 1) psychiatric inpatient days; 2) AIIR days; 3) managed care inpatient days; and 4) swing bed stays for long-term care services. Psychiatric and AIIR inpatient days shall be excluded regardless of whether the stay is in a distinct-part unit of a general acute care hospital or other hospital categorization.

Unlike the DPH process, which requires review of each hospital day, NDPHs and private hospitals, due to their DRG payment methodology, are required to demonstrate medical necessity using standardized medical review criteria for only one day of a stay associated with the All Patient Refined Diagnosis Related Groups (APR-DRG) claimed.

DHCS initiated the APR-DRG TAR-Free reviews beginning for dates of admission on or after February 1, 2016, and is tracking multiple variances within the following categories: (A) UR Process/Medical Necessity; (B) Admission Order/Potential Outpatient; (C) Psychiatric Inpatient Hospital Services; (D) No Review (i.e., medical record could not be reviewed due to technical issues or incomplete information); and (E) Other miscellaneous variances. Similar to the DPH process, Clinical Assurance and Administrative Support Division (CAASD) staff analyze trends of non-compliance within this data and variances are communicated to NDPHs and private hospitals in the monthly Statement of Findings reports.

C. Program Requirements Applicable to All Hospital Types

Standardized Medical Review Criteria Software–Use of Current Version

Due to changes in medical practice, evidence based standardized medical review criteria software is evolving and there are updates annually. To ensure consistency and standardization, DHCS requires that hospitals use the most current electronic version available.

Hospital Training

DHCS provides training of applicable hospital UR staff on the TAR-Free process, program requirements, and relevant Medi-Cal policies prior to beginning the new UR process. Training is for specific Medi-Cal criteria that are not captured using standardized review criteria (e.g., acute administrative days and restricted aid codes).

In addition, DHCS provides on-going training, technical assistance and clarification regarding clinical review findings. Further assistance for hospital UR staff is available on other topics such as the Medi-Cal Provider Manual, navigating the Medi-Cal and DHCS websites, and policy updates.

Participation Agreement

Prior to transitioning to the TAR-Free process, hospitals must sign a Participation Agreement that delineates the basic requirements the hospital must meet. The participation agreement includes information on TAR-Free claiming and reporting requirements, the UR process, including having a UR Committee, the secondary review process, and DHCS oversight responsibilities.

Dispute Resolution

Similar to a TAR appeal, a dispute resolution process exists for clinical findings. In this process, if a hospital disagrees with a DHCS clinical finding, it may submit a Dispute Resolution form electronically with attached documentation to support the reason(s) for the dispute. A DHCS Medical Consultant will review the documentation received and make an independent determination to either uphold or reverse the determination in part or in full.

Alternative Method of Utilization Management

If a hospital is deemed non-compliant with the requirements that govern the TAR-Free utilization management process, DHCS may require another method of utilization review, such as the TAR process.

Referral to Audits & Investigations

There is a potential for referral to DHCS Audits & Investigations (A&I) if:

- Continued issues with the UR process are identified;
- Claims for hospital stays are not reprocessed as requested by DHCS; and/or
- Hospital staff training issues identified by DHCS are not corrected.

A referral to A&I would only occur after the DHCS CAASD staff has provided training and technical assistance to a subject hospital, and has worked with the hospital to correct issues.

IV. Quality Assurance and Program Integrity

A critical component of the SSW and utilization management in general is quality assurance and program integrity. CAASD Headquarters performs quality assurance activities, and is specifically responsible for:

- Oversight and monitoring of the DPHs and DRG payment methodology hospitals for consistency of application of the Medi-Cal specific policies and appropriateness of services;
- Ensuring the standardization and consistency of the field office TAR adjudication and DPH process;
- Monitoring the DHCS utilization management system to determine potential issues that need policy resolution and/or procedural re-engineering; and
- Implementing methods of automation to further ensure efficiency and effectiveness of California's Medi-Cal utilization review activities.

A. Standardization and Consistency

Standardization and consistency are the cornerstones of the UR process. To the fullest extent possible, all UR-related policies are in writing. This ensures that DHCS Medical Consultants have a uniform reference for adjudicating TARs as well as performing oversight for the DPHs, NDPHs, and private hospitals. In addition, this helps providers understand the criteria used in evaluating their TARs and UR processes.

CAASD Headquarters is staffed with physicians, nurses, and analytical and research staff to support activities to identify variability among adjudication decisions so that actions can be taken to achieve greater consistency. This function is important as it assists in maintaining the standardization and consistency that is critical to California's UR system.

The Medi-Cal Manual of Criteria is used to maintain consistent clinical review guidelines for DHCS Medical Consultants. DHCS Headquarters conducts monthly staff meetings and training sessions with Medi-Cal Field Offices to reinforce existing guidelines and learn about new issues. The Medical Consultants are a resource to the Nurse Evaluators as they identify issues with TARs and the TAR-Free process. These same Medical Consultants also identify potential areas of remedial training needed for all staff and identify individual staff that may need additional training. DHCS Senior Medical Consultants in the Benefits Division create policy by researching recent publications, studies, and standards of practice to stay current on new processes, as well as current practices and evidence based standardized medical review criteria.

All CAASD Nurse Evaluators and Medical Consultants have online access to state and federal regulations and utilize their clinical expertise and professional judgment to render TAR adjudications and TAR-Free process decisions. The Medical Consultants are uniquely qualified to identify clinical trends, analyze situations, and provide technical assistance to providers. The consultants proactively interact with the provider community for ongoing TAR adjudication and TAR-Free process training.

The Medi-Cal fiscal intermediary also provides quarterly training sessions for providers at several locations throughout the state. The basic training covers how to request a TAR and how to bill the program. There are also advanced training sessions that cover more complex issues such as Medicare crossover claims and other health care coverage.

B. Quality Assurance

Monitoring Medi-Cal's acute inpatient FFS utilization management system for quality assurance is accomplished in the following ways:

- Analysis of TAR and TAR-Free claims data; and
- TAR adjudication and DPH process decision monitoring.

1. Field Office Consultant TAR Monitoring and Oversight

Senior CAASD clinical staff monitor the clinical decisions of field office staff to ensure: 1) hospital admissions are appropriate; 2) length-of-stay and level-of-care are consistent with a beneficiary's medical needs and allowable within the beneficiary's aid code/eligibility; and 3) continuing care is medically necessary; and 4) reviews are consistent and appropriate.

Routine monitoring functions and data analysis conducted by research staff can be performed at DHCS Headquarters. Medical Consultants also review data reports to help monitor utilization trends to identify areas amenable to early intervention and problem resolution.

2. Variance Data

One of the key components of monitoring and evaluating utilization management is the review and analysis of variance data to discern patterns of adjudication that change in an unexpected manner over time.

The Medi-Cal TAR approval rate has fluctuated over the past 14 years, but has remained relatively consistent recently. CAASD's TAR statistics, as shown in the table below, for the period of Calendar Years 2005 through 2018, indicate an upward trend in approval rates. DHCS believes this is, in part, a result of the providers' clearer understanding of the requirements of medical necessity and because of the implementation of the DRG payment methodology for NDPHs and private hospitals.

Acute Inpatient Hospital	
Year	**TAR Approval Rate**
2005	70%
2006	77%
2007	79%
2008	83%
2009	78%
2010	82%
2011	83%
2012	82%
2013	81%
2014	86%
2015	88%
2016	89%
2017	88%
2018	88%

Other types of analyses routinely performed to ensure program integrity include:

- Reports regularly generated to monitor TAR volume and processing timeframes by TAR type in each field office, as well as approval, denial, deferral, and modification rates for all TARs.

- Fair hearings, appeals, dispute resolution, and litigation decisions are tracked and analyzed to identify areas in need of policy clarification.

V. Justification

Justification of the Waiver Program as a Superior System

California's Medi-Cal SSW program constitutes a superior system for the following reasons:

- DHCS will continue to use UR methods other than TARs because the acute inpatient hospital stay is one of the more costly Medi-Cal services. Additionally, there is significant value in continuing to conduct a 100 percent review of specific TAR types as these TARs will continue to be adjudicated based on a determination of medical necessity. This use of TARs in conjunction with oversight of hospitals' use of InterQual and/or MCG is superior to federal requirements which allow UR activities to be conducted on a sample or other basis either by an internal hospital committee or an external committee established by the local medical society.

- It is more appropriate for DHCS Medical Consultants (nurses and physicians) who are independent from a specific hospital review committee to make decisions regarding medically necessary hospital stays. State Medical Consultants perform independent oversight to ensure federal funds are claimed appropriately. Licensed state physicians review the most complex TARs, while state Nurse Evaluators review all other TAR types. TARs not recommended for full approval by a Nurse Evaluator are further reviewed by a licensed state physician (field office Medical Consultant) before the adjudication decision is issued.

- DHCS Medical Consultants have the opportunity to review medical records from a wide variety of hospitals; therefore, they are aware of the local and regional practice patterns in the area served by the field office. The Medical Consultants collaborate with consultants from other field offices and have become familiar with statewide practice patterns as well. They are active in continuing medical education and in professional societies and are knowledgeable on national practice norms, standards of practice, and evidence based research.

- When reviewing acute inpatient hospitalizations for medical necessity, DHCS Medical Consultants follow state and federal requirements for inpatient services, applying both their extensive knowledge of medicine and the specifications of the Medi-Cal Manual of Criteria published by DHCS in January 1982, last revised April 2, 2012, and incorporated by reference in Title 22, California Code of Regulations, section 51003(e). (http://www.dhcs.ca.gov/formsandpubs/publications/Documents/Medi-Cal_PDFs/Manual_of_Criteria.pdf)

- By incorporating formal appeal and dispute resolution processes handled by state staff, the SSW provides a second independent review to ensure accurate TAR adjudications and clinical review decisions. DHCS' appeals and dispute resolution processes offer a relatively inexpensive administrative remedy in order to avoid the need for costly litigation.

- The SSW utilizes the utilization management approach that best meets the needs of different hospital types (NDPHs/private hospitals vs. DPHs).

Application of Technology

As technology continues to advance, there is the potential to further automate the TAR and TAR-Free processes. For example, DHCS continues to transition to electronic hospital record reviews, in which DHCS Medical Consultants access EMRs remotely from the field offices. This process reduces the need for Medical Consultants to travel to hospitals to review records on-site. This is a more efficient process than having hospitals pull hard copy records for on-site reviews or copying and mailing records to the field offices.

Moreover, more providers are now submitting TARs to DHCS electronically. Currently, approximately 97 percent of medical providers submit electronic TARs. This mode of submission is far more efficient than mailing or faxing and allows providers to receive TAR adjudication responses more rapidly.

Provider use of EMRs and electronic TARs gives DHCS the ability to better manage workload. Through these electronic processes, DHCS can shift workload between field offices based on available resources, expertise, or other factors in order to maximize efficiency.

In addition, as previously indicated, the clinical data exchange, will allow for even easier and more efficient access to hospital clinical information necessary for DHCS to perform its UR and management responsibilities.

VI. Tribal Notification

In an email correspondence from Centers for Medicare and Medicaid Services (CMS) dated January 23, 2019, CMS indicated that tribal notification for this SSW renewal was not necessary.

VII. Exemptions to the Waiver Program

Exemptions

The following are exemptions to the Medi-Cal SSW described in Sections I through III (above).

A. Indian Health Services

Indian Health Inpatient Facilities in the border territory of Phoenix are excluded from the Medi-Cal SSW because UR is conducted according to Title 42, Code of Federal Regulations, Part 456, Subpart C, utilizing the federal method. TARs are not submitted to the Medi-Cal Field Offices for adjudication. The excluded inpatient facilities are Phoenix Indian Medical Center, Fort Yuma Hospital, and Parker Hospital.

B. TAR-Free Obstetrical Acute Care

Pursuant to Welfare and Institutions Code, section 14132.42, inpatient hospital care for a normal vaginal or caesarean section delivery cannot be restricted to a time period of less than 48 hours or 96 hours, respectively.

Routine deliveries in an acute inpatient care hospital do not require a TAR to be submitted to Medi-Cal for review of medical necessity for the first two days before and after a vaginal delivery and the first two days before and four days after a caesarean section.

C. Psychiatric Services

Distinct psychiatric inpatient days that occur in California are excluded regardless of whether the stay is in a distinct-part unit of a general acute care hospital or other hospital categorization, as these services are approved by the counties and are outside of this waiver. Psychiatric hospitals are specifically excluded from this waiver.

VIII. Medi-Cal Superior Systems Waiver Summary

Type of Waiver: 1903(i)(4)

Proposed Renewal Term: October 1, 2019 through September 30, 2021

Program Services Area: Statewide

Department of Health Care Services (DHCS) Contact: Doug Robins, Chief, Clinical Assurance and Administrative Support Division

Purpose of Waiver:

The purpose of the Medi-Cal Superior Systems Waiver (SSW) is to control unnecessary and excessive use of Fee-for-Service (FFS) acute inpatient services and to use the utilization management approach that best meets the needs of the distinct hospital types in California.

Background:

Section 1903(i)(4) of the Social Security Act provides that to participate in Medicaid, a hospital or skilled nursing facility must have a Utilization Review Plan in effect that meets the requirements set forth in section 1861(k) of the Social Security Act. Section 1903(i)(4) also provides that the requirements can be waived when a State Medicaid Agency shows that it has utilization review procedures in place that are superior to the federal requirements.

Department of Health Care Services (DHCS) utilizes two approaches to acute inpatient utilization management which depends on the type of acute inpatient service, the hospital type, and the characteristics of the beneficiary's health care coverage. These approaches are:

- **Treatment Authorization Request (TAR) process -** hospitals submit TAR requests to DHCS for review and approval prior to claiming for services; and
- **TAR-Free process -** hospitals use evidence-based standardized medical review criteria to determine medical necessity, claim for services, and DHCS performs a compliance review.

By incorporating formal appeal and dispute resolution processes handled by state staff, the SSW provides a second independent review to ensure accurate TAR adjudications and clinical review decisions. DHCS' appeals and dispute resolution processes offer a relatively inexpensive administrative remedy in order to avoid the need for costly litigation.

The SSW utilizes the utilization management approach that best meets the needs of different hospital types (NDPHs/private hospitals vs. DPHs).

Tribal Notification:

CMS informed DHCS on January 23, 2019, that that tribal notification for this SSW renewal was not necessary.

Medi-Cal Superior Systems Waiver Exemptions:

1. Indian Health Services

- The SSW excludes Indian Health Inpatient Facilities in the Phoenix border area because the utilization review is conducted in accordance with Title 42, Code of Federal Regulations, Part 456, Subpart C, utilizing the federal method.
- The excluded inpatient facilities are: Phoenix Indian Medical Center and Parker Hospital.
- TARs are not submitted to DHCS Medi-Cal Field Offices for adjudication.

2. TAR-Free Obstetrical Acute Care

Routine deliveries in an acute inpatient care hospital do not require a TAR to be submitted to Medi-Cal for review of medical necessity for the first two days before and after a vaginal delivery and the first two days before and four days after a caesarean section.

3. Psychiatric Services

These services are approved by the counties and are outside of this waiver.