



Department of Health Care Services



**Tribal and Designee Medi-Cal Advisory Process
Webinar on Proposed Changes
to the Medi-Cal Program
August 31, 2016**

Purpose

- ❑ The Department of Health Care Services (DHCS) is hosting this webinar regarding proposed changes to the Medi-Cal Program. This webinar will provide information and allow for feedback on State Plan Amendments (SPA) and Waiver Renewals/Amendments proposed for submission to Centers for Medicare and Medicaid Services (CMS).
- ❑ Background: Executive Orders recognize the unique relationship of Tribes with the federal government and emphasize the importance of States to work with Tribes on matters that may impact Indian health.
- ❑ This webinar is one way for DHCS to provide information about the Medi-Cal program and get feedback verbally and writing.

Agenda

Welcome/Overview	Andrea Zubiate, DHCS, Indian Health Program (IHP) Coordinator
SPA'S Scheduled for Submission by September 30, 2016	
Changes regarding the implementation of regulation changes to the federal Fair Labor Standards Act (FLSA) and corresponding State law provisions affecting In-Home Supportive Services (IHSS) under the Medi-Cal program SPA 16-026	Tyra Taylor, DHCS, Long-Term Care Division
Clarifying Number Visits Per Day Allowed Indian Health Service Memorandum Agreement facilities SPA 16-028	Andrea Zubiate, DHCS, Indian Health Program (IHP) Coordinator
Feedback/Closing	All

State Plan Amendment (SPA) Overview



State Plan Amendment (SPA) Overview

- ❑ State Plan: The official contract between the state and federal government by which a state ensure compliance with federal Medicaid requirements to be eligible for federal funding.
- ❑ The State Plan describes the nature and scope of Medicaid program and gives assurance that it will be administered in accordance with the specific requirements of Title XIX of the Federal Social Security Act, Code of Federal Regulations, Chapter IV, and State law/regulations.
- ❑ California's State Plan is over 1600 pages and can be accessed online at:

<http://www.dhcs.ca.gov/formsandpubs/laws/Pages/CaliforniaStatePlan.aspx>

State Plan Amendment (SPA) Overview

- ❑ SPA: Any formal change to the State Plan.
- ❑ Approved State Plans and SPAs ensure the availability of federal funding for the state's program (Medi-Cal).
- ❑ The CMS reviews all State Plans and SPAs for compliance with:
 - ❑ Federal Medicaid statutes and regulations
 - ❑ State Medicaid manual
 - ❑ Most current State Medicaid Directors' Letters, which serve as policy guidance.

Changes to Existing In-Home Supportive Services (SPA 16-026)



Background

- ❑ On October 1, 2013 the U.S. Department of Labor (DOL) published the Final Rule on the Application of the Fair Labor Standards Act (FLSA) to Domestic Service (RIN 1235-AA05).
- ❑ FLSA extends protections to domestic services workers by:
 - a. Removing ability of “third party” agencies to claim an exemption for personal care workers from minimum wage and overtime pay.
 - b. Applying Federal rules related to pay for travel time to personal care service workers, In Home Supportive Services (IHSS) providers in California.
- ❑ In California, Senate Bill (SB) 855 was chaptered on June 20, 2014 and SB 873 was chaptered on September 27, 2014. Both bills address travel time and overtime compensation for IHSS providers.
- ❑ On October 8, 2014, All County Letter (ACL) 14-76, documenting the provision of SB 855 and SB 873 was released.
- ❑ On November 6, 2015 the State announced payment of overtime, travel time and wait time would be implemented as of February 1, 2016.

Description

- ❑ Dependent on the necessity to submit a SPA, the following outlines requirements for the implementation of FLSA.
 - a. IHSS providers will be paid overtime at a rate equal to one and one-half times the regular rate of hourly pay when they work more than a 40 hour work week.
 - 1. “Work week” is defined in statute as the period beginning at 12:00 a.m. on Sunday and includes the next consecutive 168 hours, terminating at 11:59 p.m. the following Saturday.
 - b. IHSS providers will also be paid for travel time when the provider works for multiple beneficiaries.
 - c. A provider will not be compensated for travel to and from his/her home to a beneficiary’s home.

Impact

❑ **Impact to Indian Medi-Cal Programs**

- a. The changes will not impact tribal health programs or alter the services they offer in any way as tribal health programs do not administer IHSS.

❑ **Impact to Federally Qualified Health Centers (FQHCs)**

- a. The changes will not impact FQHCs. IHSS can only be administered via approved care providers who must complete a mandatory orientation and be approved by a local County Public Authority Agency.

❑ **Impact on Indian Health Beneficiaries**

- a. The changes will impact all Medi-Cal beneficiaries who receive IHSS; including Indian Medi-Cal beneficiaries, by allowing them to have a provider work overtime.
- b. The changes do not impact Indian Medi-Cal beneficiaries in any manner different than they impact other Medi-Cal beneficiaries.

Contact Information

For additional information about the proposed changes outlined in this presentation please contact
Tyra Taylor,
DHCS, Long-Term Care Division
at Tyra.Taylor@dhcs.ca.gov or
(916) 322-4389.

Clarifying Number of Visits Per Day (SPA 16-028)



Background

- ❑ Purpose: DHCS plans to submit SPA 16-028 to align the State Plan with current policy, which allows reimbursement for three visits per day, if one is a medical visit, one is an ambulatory visit, and one is an other health visit for providers, who participate in Medi-Cal under the Indian Health Service (IHS)/Centers for Medicare and Medicaid Services (CMS)* Memorandum of Agreement (MOA).
- ❑ DHCS' policy for number of reimbursable visits allowed per day is not clearly defined in the current State Plan and must be updated to reflect the appropriate number of visits. IHS/CMS MOA section of the State Plan states that reimbursement for two visits per day is allowed, but excludes reference to ambulatory visits.

**Note: CMS was formerly known as the Health Care Financing Administration.*

Description

- ❑ SPA 16-028 will update the State Plan to allow reimbursement for three visits per day, if one is a medical visit, one is an ambulatory visit, and one is an other health visit.



Impact

❑ **Impact to Indian Medi-Cal Programs**

DHCS does not anticipate any impact to Tribal health programs as this proposal is consistent with current DHCS policy.

❑ **Impact to Federally Qualified Health Centers (FQHCs)**

DHCS does not anticipate an impact to FQHCs.

❑ **Impact on Indian Health Beneficiaries**

DHCS does not anticipate any impact to Indian Medi-Cal beneficiaries as this proposal is consistent with current DHCS policy.

Contact Information

For additional information about the proposed changes outlined in this presentation please contact

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Feedback & Thank You

