



February 23, 2024

To: Tribal Chairpersons, Designees of Indian Health Programs, and Urban Indian Organizations

Subject: Notice of Proposed Change to the Medi-Cal Program

The purpose of this letter is to provide information regarding a proposed change to the Department of Health Care Services' (DHCS) Medi-Cal Program that will be submitted to the Centers for Medicare and Medicaid Services (CMS). DHCS is forwarding this information for your review and comment.

DHCS is required to seek advice from designees of Indian Health Programs and Urban Indian Organizations on Medi-Cal matters having a direct effect on Indians, Indian Health Programs or Urban Indian Organizations per the American Recovery and Reinvestment Act of 2009 (ARRA). DHCS must solicit the advice of designees prior to submission to CMS of any State Plan Amendment (SPA), waiver requests or modifications, or proposals for demonstration projects in the Medi-Cal program.

Please see the enclosed summary for a detailed description of this DHCS proposal.

QUESTIONS AND COMMENTS

Indian Health Programs and Urban Indian Organizations may also submit written comments or questions concerning this proposal within 30 days from the receipt of notice. Comments may be sent by email to Angeli.Lee@dhcs.ca.gov or by mail to the address below:

Contact Information

Department of Health Care Services
Director's Office
ATTN: Angeli Lee
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P.O. Box 997413
Sacramento, CA 95899-7413

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and Urban Indian Organizations

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In addition to this notice, DHCS plans to cover this SPA in the next quarterly Medi-Cal Indian Health webinar. Please note that Indian Health Programs and Urban Indian Organizations may request a consultation on this proposal at any time as needed.

Sincerely,

Original Signed by

Andrea Zubiato, Chief
Office of Tribal Affairs
Department of Health Care Services

Enclosure



**Department of Health Care Services (DHCS)
Tribal and Designees of Indian Health Programs Notice**

PURPOSE

To seek federal approval to update the Alternative Benefit Plan (ABP) to add Psychiatric Residential Treatment Facilities (PRTFs) as settings where inpatient psychiatric services can be provided to Medi-Cal members under 21 years of age. It will also update the ABP to allow Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) to bill for encounters by licensed professional clinical counselors (LPCCs) services, and associate professional clinical counselors (APCCs). DHCS will submit State Plan Amendment (SPA) 24-0007 to align the ABP with the updates to be made by SPA 23-0037, SPA 24-0003, and SPA 24-0015.

BACKGROUND

SPA 24-0007 updates the ABP to reflect the updates made by SPA 23-0037, SPA 24-0003, and SPA 24-0015.

- SPA 23-0037 authorizes LPCCs to bill for LPCC encounters in FQHCs, RHCs, and Tribal FQHCs.
- SPA 24-0003 seeks to add PRTFs as a setting where inpatient psychiatric services to beneficiaries under 21 years of age can be provided. SPA 24-0003 also seeks to clarify that inpatient psychiatric services can be provided to Medi-Cal members under 21 years of age in psychiatric hospitals and hospitals with inpatient psychiatric programs.
- SPA 24-0015 will authorize LPCCs to bill for APCC encounters in FQHCs, RHCs, and Tribal FQHCs.

SUMMARY OF PROPOSED CHANGES

SPA 24-0007 aligns the ABP with updates made by SPAs 23-0037, 24-0003, and 24-0015. The federal Centers for Medicare and Medicaid Services approved SPA 23-0037 on January 22, 2024, to authorize LPCCs as health care professionals who are eligible to provide reimbursable Medi-Cal mental and behavioral health services to Medi-Cal members served by FQHCs, RHCs, and Tribal FQHCs. SPA 24-0003 will add PRTFs as a setting where inpatient psychiatric services can be provided to Medi-Cal members under 21 years of age. SPA 24-0015 will authorize APCCs as health care professionals who are eligible to provide reimbursable Medi-Cal mental and behavioral health services to Medi-Cal members served by FQHCs, RHCs, and Tribal FQHCs.

The proposed effective date for SPA 24-0007 is January 1, 2024.

IMPACT TO TRIBAL HEALTH PROGRAMS (THPs)

DHCS does not anticipate an impact to THPs if they participate in Medi-Cal as an Indian Health Services-Memorandum of Agreement clinic. However, if a THP participates in Medi-Cal as a Tribal FQHC, this proposed SPA will identify a LPCC as a billable provider and APCC as billable services. Adding LPCCs and APCC to the list of behavioral health

professionals at Tribal FQHCs will expand flexibility and access for Medi-Cal members to receive the various mental and behavioral health services they need.

THPs may be able to make referrals to Medi-Cal members to receive inpatient psychiatric services in PRTFs. DHCS anticipates Medi-Cal members that receive referrals will be able to better access these services, likely improving their health outcomes.

IMPACT TO FEDERALLY QUALIFIED HEALTH CENTERS (FQHCs)

To the extent that FQHCs and RHCs provide behavioral health services, this aligns the ABP with SPA 23-0037 and SPA 24-0015 and is expected to expand access by increasing the number of health care professionals eligible to provide these services to patients served by FQHCs and RHCs. Adding LPCCs and APCCs to the list of behavioral health professionals will expand flexibility and access for Medi-Cal members to receive the various mental and behavioral health services they need.

In addition, FQHCs may be able to make referrals for Medi-Cal members to receive inpatient psychiatric services in PRTFs. DHCS anticipates Medi-Cal members that receive referrals will be able to better access these services, likely improving their health outcomes.

IMPACT TO AMERICAN INDIAN MEDI-CAL MEMBERS

DHCS anticipates American Indian Medi-Cal members served by FQHCs, RHCs, and Tribal FQHCs will have increased access to mental and behavioral health services, which is expected to improve health outcomes for those receiving services. The addition of PRTFs will also likely result in increased access to inpatient psychiatric services for American Indian Medi-Cal members under 21 years of age as it will allow for the provision of the psychiatric services to members under 21 years of age to be provided in an additional setting that is not a hospital.

RESPONSE DATE

Indian Health Programs and Urban Indian Organizations may submit written comments or questions concerning this proposal within 30 days from the receipt of notice. Comments may be sent by email to Angeli.Lee@dhcs.ca.gov or by mail to the address below:

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