



# NOTICE OF GENERAL PUBLIC INTEREST

RELEASE DATE: AUGUST 15, 2023

## ADDENDUM TO THE PUBLIC NOTICE FOR PROPOSED STATE PLAN AMENDMENT TO EXTEND AND RESTRUCTURE THE METHODOLOGY FOR THE SUPPLEMENTAL REIMBURSEMENT FOR QUALIFIED PRIVATE HOSPITALS PROGRAM TO JUNE 30, 2024

This is an Addendum to the Public Notice for proposed State Plan Amendment (SPA) #23-0013, published on June 28, 2023.

DHCS requests input from beneficiaries, providers, and other interested stakeholders concerning proposed SPA #23-0013, which is attached below.

On June 28, 2023, the Department of Health Care Services (DHCS) released a notice of public interest regarding proposed SPA #23-0013, which will extend the Supplemental Reimbursement for Qualified Private Hospitals Program (Program) to June 30, 2024. The continuation of this Program for an added year will allow for enhanced Medi-Cal payments to private hospitals and improve the availability of essential services for Medi-Cal beneficiaries. Additionally, DHCS is seeking to restructure payment amounts for State Fiscal Year (SFY) 2023-24 to California State Plan, Attachment 4.19-A, Supplement 4. The total pool increases to \$611,264,345 in State General Funds and Federal Funds for SFY 2023-24. Proposed SPA #23-0013 is also necessary to allow Intergovernmental Transfer funded payments for SFY 2023-24. You may view the, June 28, 2023, Public Notice at: [SPA 23-0013 Public Notice \(ca.gov\)](#). DHCS is now releasing the draft SPA #23-0013 with the proposed changes for public comment.

The effective date of the proposed SPA is July 1, 2023. All proposed SPAs are subject to approval by the Federal Centers for Medicare and Medicaid Services (CMS).



## Public Review and Comments

The proposed changes included in draft SPA #23-0013 are attached to this notice for public comment. DHCS is requesting stakeholder input on the impact, if any, on access to services as a result of the proposed action.

Upon submission to CMS, a copy of the proposed SPA #23-0013 will be published at the following internet address:

<https://www.dhcs.ca.gov/formsandpubs/laws/Pages/Pending-2023.aspx>

If you would like to view the SPA in person, once available, please visit your local county welfare department. You may also request a copy of proposed SPA #23-0013 or a copy of submitted public comments related to SPA #23-0013 by requesting it in writing to the mailing or email address listed below. Please indicate SPA #23-0013 in the subject line or message.

Written comments may be sent to the following address:

Department of Health Care Services  
Safety Net Financing Division  
Attn: Gina Giannini  
P.O. Box 997436, MS 4504  
Sacramento, California 95899-7417

Comments may also be emailed to [PublicInput@dhcs.ca.gov](mailto:PublicInput@dhcs.ca.gov). Please indicate SPA #23-0013 in the subject line or message.

To be assured consideration prior to submission of the SPA to CMS, comments must be received no later than Thursday, September 14, 2023. Please note that comments will continue to be accepted after Thursday, September 14, 2023, but DHCS may not be able to consider those comments prior to the initial submission of SPA #23-0013 to CMS.

A copy of the submitted public comments to SPA #23-0013 may be requested in writing to the mailing or email addressed identified above.

**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE: CALIFORNIA**

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**SUPPLEMENTAL REIMBURSEMENT FOR QUALIFIED PRIVATE HOSPITALS**

This segment of the State Plan describes an enhanced Medi-Cal payment for private hospitals that have a need for assistance in ensuring the availability of essential services for Medi-Cal beneficiaries, and that meet the requirements in Sections A and B below.

The Private Hospital Supplemental Fund Program (PHSF) was established under Social Security Act (SSA) section 1915(b) waiver (and starting in 2005 under a SSA section 1115(a) Medicaid Demonstration) granting the Department of Health Care Services (DHCS) its authority to make PHSF supplemental payments to hospitals participating in the Medi-Cal Selective Provider Contracting Program (SPCP). The SPCP ended on June 30, 2013. This section of Attachment 4.19-A is written to continue the Department's federal authority for State Fiscal Years (SFYs) 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, and 2022-23 and to extend the authority through SFY 2023-24, to provide supplemental reimbursement payments to private hospitals participating in the PHSF.

**A. DEFINITION OF A PRIVATE HOSPITAL**

A private hospital is defined as a hospital that is Medi-Cal Certified and meets all of the following conditions:

1. Is licensed pursuant to subdivision (a) of section 1250 of the Health and Safety Code, as the law was in effect on July 1, 2015.
2. Is in the Charitable Research Hospital peer group, as set forth in the 1991 Hospital Peer Grouping Report published by the Department or is not designated as a specialty hospital in the hospital's Department of Health Care Access and Information Annual Financial Disclosure Report for the hospital's latest fiscal year.
3. Does not satisfy the Medicare criteria to be classified as a long-term care hospital.
4. Is a nonpublic hospital, nonpublic converted hospital, or converted hospital as those terms are defined in paragraphs (26) to (28), inclusive, respectively, of subdivision (a) of section 14105.98 of the Welfare & Institutions Code, as the law was in effect on July 1, 2015.

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**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE: CALIFORNIA**

---

**SUPPLEMENTAL REIMBURSEMENT FOR QUALIFIED PRIVATE HOSPITALS**

3. The hospital meets the definition of any of the following:
  - a. A large teaching emphasis hospital, as set forth on page 51 and listed on page 57 of the DHS report dated May 1991, entitled "Hospital Peer Grouping", and also satisfies the Medicaid State Plan criteria for DSH status.
  - b. A children's hospital, as the law was in effect on July 1, 2015, and also satisfies the Medicaid State Plan criteria for DSH status.
  - c. Notwithstanding the requirement in subparagraph (A) that a hospital must be listed on page 57 of the DHS report dated May 1991, entitled "Hospital Peer Grouping", any hospital whose license pursuant to chapter 2 (commencing with Section 1250) of division 2 of the Health and Safety Code was consolidated during the 1999 calendar year with a large teaching emphasis hospital that is listed on page 57 of the above-described report shall be eligible.
  
4. The hospital meets all of the following criteria:
  - a. The hospital satisfies the Medicaid State Plan criteria for DSH status.
  - b. The hospital is a small and rural hospital as defined in section 124840 of the Health and Safety Code, as the law was in effect on July 1, 2015.
  - c. The hospital is a licensed provider of standby emergency services as described in section 70649 of title 22 of the California Code of Regulations, as the law was in effect on July 1, 2015.

**C. PAYMENT METHODOLOGY FOR ELIGIBLE PRIVATE HOSPITALS:**

1. Supplemental reimbursement provided by this program will be distributed under a payment methodology based on hospital services provided to Medi-Cal patients at the eligible hospital. The payment methodology for SFYs 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23 and 2023-24 will be as described below (except as provided in Section C.2 which is only applicable to SFY 2023-24):

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**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE: CALIFORNIA**

---

**SUPPLEMENTAL REIMBURSEMENT FOR QUALIFIED PRIVATE HOSPITALS**

- a. Except for hospitals eligible under B.2, DHCS shall identify DSH eligible hospitals for the applicable fiscal year from the Final DSH Eligibility List adopted by DHCS. If the Final DSH Eligibility List is not available by November 1 of the SFY, then DHCS will utilize the Tentative DSH Eligibility List. DHCS will then identify any private DSH hospitals that meet other criteria for supplemental payment eligibility.
- b. The aggregate supplemental payment amount of \$237,144,384 for SFY 2015-16 and \$236,800,000 for SFYs 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23 and 2023-24 will be paid to hospitals as follows:
  - i. If the hospital is eligible to participate in the applicable SFY supplemental program and also participated in the SFY 2014-15 supplemental program, 85 percent of the funding received for SFY 2014-15 will be its amount for the applicable SFY.
    - a. For a hospital eligible in the applicable SFY that did not participate in SFY 2014-15 supplemental program, but had participated in a prior supplemental program year, its amount for the applicable SFY will be 85 percent of the funding it received in its most recent year in which it participated.
  - ii. If the individual hospital's amount determined above in b.i. when divided by the sum of General Acute Care-Electronic Data System Fee For Service (GAC-EDS FFS), Administrative-Electronic Data System Fee For Service (Admin-EDS FFS), and the Well Baby-Electronic Data System Fee For Service (Well Baby-EDS FFS) inpatient days identified in the Final Medi-Cal Utilization Statistics for the current payment year (as specified on page 30, paragraph B of this Attachment), or the Tentative Medi-Cal Utilization Statistics for the current payment year if the Final is not available, as calculated by DHCS, is less than one hundred dollars (\$100) per diem, then the hospital will receive a payment increase to get them up to the \$100 per

**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE: CALIFORNIA**

---

**SUPPLEMENTAL REIMBURSEMENT FOR QUALIFIED PRIVATE HOSPITALS**

diem for its base supplemental payment amount.

- iii. For any hospital eligible in the applicable SFY that has not previously been eligible to participate in PHSF distributions, a base supplemental payment amount for the applicable SFY will be calculated by multiplying a per diem payment of one hundred dollars (\$100) times the sum of the “GAC-EDS FFS”, “Admin-EDS FFS” and the “Well Baby-EDS FFS” inpatient days identified in the Final Medi-Cal Utilization Statistics for the current payment year (as specified on page 30, paragraph B of this Attachment) as calculated by DHCS.
  
- iv. If a hospital eligible to participate in the SFY 2014-15 supplemental program divides into two or more separately licensed hospitals (i.e., the original licensed hospital and one or more newly licensed hospitals), and where one or more of those separately licensed hospitals continues after the separation to meet the eligibility criteria in Section B. for SFYs 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23, or 2023-24 the original licensed hospital’s payment amount for the applicable SFY will be calculated in accordance with steps C.1.b.i. and ii, and the newly licensed hospital’s payment amount for the SFY in which the separation occurs will be calculated in accordance with step C.1.b.iii. For subsequent SFYs, the newly licensed hospital’s payment will be calculated in accordance with step C.1.b.i.a. The sum of the amounts calculated for the eligible separately licensed (original and new) hospitals for any of those SFYs shall not exceed the amount calculated for the original licensed hospital and the payment amount for the original licensed hospital will be adjusted by the amount calculated for the eligible newly licensed hospital. If prior to separation, the hospital participated during the previous five state fiscal years in the PHSF payment program, then the surviving, separated PHSF-eligible hospital will be considered to continue to meet the previous five-year participation requirement for payment eligibility.

Conversely, if two or more hospitals eligible to participate in the SFY 2014-15, or are newly eligible to participate in SFY’s 2015-16 or 2016-17 supplemental programs, consolidate and are eligible for SFYs 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22 2022-23, or 2023-24 then the amount

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**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE: CALIFORNIA**

---

**SUPPLEMENTAL REIMBURSEMENT FOR QUALIFIED PRIVATE HOSPITALS**

those hospitals that are identified on the Final DSH Eligibility List adopted by DHCS or the Tentative DSH Eligibility List if the Final List is not available by November 1, and have been continuously eligible for PHSF payments during the previous five (5) State Fiscal Year PHSF payment programs and are eligible for the current year.

- f. Round C installment payment shall be for services rendered up to and including the fourth quarter of the applicable SFY and shall be distributed as determined under Section C.1.b.i through v. Round A and B installment payments shall be subtracted from the final adjusted payment amount to determine the Round C payment for each hospital. All hospitals shall be eligible to receive Round C payments if they are eligible under B.2 or are identified as being a DSH Eligible Hospital on the Final DSH Eligibility List for the applicable SFY and meet the eligibility criteria.
  - i. For the applicable SFY, if a hospital is eligible under B.1 through B.4 and is paid a Round A and/or B installment payment based on the Tentative Medi-Cal Utilization Statistics for the applicable payment year, the Round A and/or B installment payments will be recalculated based on the Final Medi-Cal Utilization Statistics. The hospital's Round C payment will be adjusted to reflect the under or overpayment it received.
  - ii. For the applicable SFY, if a hospital is eligible under B.1 through B.4 and is paid Round A and/or Round B installment payments based on being identified on the Tentative DSH Eligibility List, but is not identified on the Final DSH Eligibility List, then Round A and B payments will be recovered from the hospital and the hospital will not be eligible for Round C installment payment.
  - iii. Payment(s) received by hospitals from the PHSF for SFYs 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23 and 2023-24 will be subject to recovery by the Department, if the Department determines that the hospital fails at any time during the respective fiscal years to meet eligibility criteria for PHSF distributions. If the hospital fails to return the funds within 30 calendar days from time of the Department's notification, the Department

**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE: CALIFORNIA**

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**SUPPLEMENTAL REIMBURSEMENT FOR QUALIFIED PRIVATE HOSPITALS**

may offset the amount to be recovered against any Medi-Cal payments which otherwise would be payable by the Department to the hospital, pursuant to Welfare and Institutions Code section 14177.

- g. If the fund balance after Round A and B payments is lower than the amount needed to pay in Round C under paragraph C.1.b., then a pro rata amount will be applied to the Round C amounts payable to all eligible hospitals. The total computable received in Round A and B will be subtracted from \$237,144,384 for SFY 2015-16 and \$236,800,000 for SFYs 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23 and 2023-24 to determine the remaining balance to be distributed in Round C of the respective SFY. The remaining balance will be divided by the total computable for Round C as determined in C.1.f. That percentage will be applied to each hospital's Round C amount as determined in C.1.f. to determine the Round C pro rata amounts.
2. For SFY 2023-24, in addition to the aggregate supplemental payment amount identified in C.1.b. for SFY 2023-24, an additional amount of \$374,464,345 will be distributed to hospitals eligible for PHSF in SFY 2023-24.
- a. The first portion of the supplemental payment pool distribution to hospitals eligible for PHSF in SFY 2023-24 will be calculated as follows, based on payments for hospitals that participated in the PHSF Program for SFYs 2013-14 through 2021-22.
- i. For each hospital, using California Medicaid Management Information System paid claims data, the Medi-Cal FFS payment percentage of combined Affordable Care Act (ACA) newly eligible aid codes to total Medi-Cal FFS payments for all aid codes is calculated to determine a hospital-specific ACA ratio for each SFY or partial SFY from SFYs 2013-14 through 2021-22.
- ii. The ACA ratio from a.i. for each SFY or partial SFY is applied to each hospital's original supplemental payment in this subdivision for the period.
- iii. The result from a.ii for each SFY or partial SFY is multiplied by the newly eligible federal medical assistance percentage (FMAP) for that period, minus the traditional Medicaid FMAP for that period minus, if applicable, the Families First Coronavirus

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**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE: CALIFORNIA**

---

**SUPPLEMENTAL REIMBURSEMENT FOR QUALIFIED PRIVATE HOSPITALS**

Response Act (FFCRA) FMAP increase for that period.

- iv. The sum of results from a.iii, calculated for each SFY or partial SFY from SFYs 2013-14 through 2021-22, is divided by one minus the weighted average traditional Medicaid FMAP, including any applicable FFCRA increase as phased out by the Consolidated Appropriations Act (CAA) of 2023, for SFY 2023-24, to arrive at a total computable supplemental payment amount for SFY 2023-24 for the eligible hospital.

b. The second portion of the supplemental payment pool distribution to hospitals eligible for PHSF in SFY 2023-24 will be calculated as follows, based on payments for hospitals that participated in the PHSF Programs for SFYs 2019-20 through 2021-22.

- i. The FFCRA FMAP increase for each SFY or partial SFY from SFYs 2019-20 through 2021-22 is applied to each hospital's original supplemental payment in this subdivision for the period.

- ii. The sum of results from b.i, calculated for each SFY or partial SFY from SFYs 2019-20 through 2021-22 is divided by one minus the weighted average traditional Medicaid FMAP, including any applicable FFCRA increase as phased out by the CAA of 2023, for SFY 2023-24, to arrive at a total computable supplemental payment amount for SFY 2023-24 for the eligible hospital.

c. If there is a remaining balance after C.2.a. and b. payments are calculated for each hospital that is eligible for PHSF in SFY 2023-24, the remaining balance will be distributed pro rata to hospitals eligible for PHSF in SFY 2023-24 based on each hospital's amounts computed in C.2.a and b.

**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE: CALIFORNIA**

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**SUPPLEMENTAL REIMBURSEMENT FOR QUALIFIED PRIVATE HOSPITALS**

**D. Additional Supplemental Payments**

Based on historical payments, the following private hospitals shall receive additional supplemental funding for SFYs 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23 and 2023-24.

No payment under this supplement is dependent on any agreement or arrangement for providers or related entities to donate money or services to a governmental entity.

1. In addition to receiving PHSF payments under Section C, the following private hospitals shall receive additional supplemental payments in the fourth quarter, or soon thereafter as practicable, of each SFY for the listed periods in the listed amounts:

SFY 2015-16

St. Rose Hospital	\$16,000,000
UCSF Benioff Children's Oakland	\$3,000,000
Grossmont Hospital	\$2,000,000

TN No. 23-0013  
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**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE: CALIFORNIA**

SFY 2022-23

St. Rose Hospital	\$14,970,000
UCSF Benioff Children's Oakland	\$30,000,000
Grossmont Hospital	\$2,000,000
Children's Hospital of Orange County	\$211,560
South Coast Global Medical Center	\$50,702
Fountain Valley Regional Hospital	\$334,312
Garden Grove Hospital & Medical Center	\$192,062
Anaheim Global Medical Center	\$38,182
Orange County Global Medical Center	\$20,150

SFY 2023-24

St. Rose Hospital	\$17,982,000.00
UCSF Benioff Children's Oakland	\$30,612,244.89
Grossmont Hospital	\$4,081,632.64
Children's Hospital of Orange County	\$458,832.64
South Coast Global Medical Center	\$68,181.62
Fountain Valley Regional Hospital	\$606,275.51
Garden Grove Hospital & Medical Center	\$158,871.44
Anaheim Global Medical Center	\$33,081.62
Orange County Global Medical Center	\$114,248.97

2. Notwithstanding any other provision of this Supplement 4, each of the following private hospitals listed below are eligible to receive supplemental funding for SFYs 2015-16, 2016-17 and 2017-18 under this Section D.2, regardless of whether the hospital qualifies for and receives PHSF supplemental funding under Section C or other provisions of Section D, based on their special historical and current role in providing emergency and inpatient care access in the underserved South Los Angeles area. The supplemental funding under this paragraph D.2 shall end at the close of SFY 2017-18.

Table No. 1

St. Francis Medical Center
California Hospital Medical Center

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