

AMENDED IN SENATE AUGUST 23, 2007

AMENDED IN ASSEMBLY JUNE 4, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 308

Introduced by Assembly Member Galgiani
(Coauthor: Assembly Member Dymally)

February 9, 2007

~~An act to add Section 5767.5 to the Welfare and Institutions Code, relating to Medi-Cal. An act to amend Section 16531.1 of the Government Code, relating to human services, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 308, as amended, Galgiani. ~~Medi-Cal: early and periodic screening and diagnosis services. HIV drug treatment: developmental services: financing.~~

Existing law creates the continuously appropriated Medical Providers Interim Payment Fund, for the purposes of paying Medi-Cal providers, providers of drug treatment services for persons infected with HIV, and providers of services for the developmentally disabled, on and after July 1, and before September 1, of the fiscal year for which a budget has not yet been enacted or there is a deficiency in the Medi-Cal budget in any fiscal year, and appropriates, for each fiscal year in which these payments are necessary, up to \$1,000,000,000 from the General Fund, in the form of loans, and \$1,000,000,000 from the Federal Trust Fund to the Medical Providers Interim Payment Fund.

This bill would increase, to an amount not to exceed \$2,000,000,000, the annual appropriation from the General Fund and from the Federal Trust Fund to the Medical Providers Interim Payment Fund. By increasing the amount transferred into a continuously appropriated fund, this bill would make an appropriation.

~~Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services are provided to qualified low-income persons. Medi-Cal benefits include services provided under the Early and Periodic Screening, Diagnosis, and Treatment Program, including mental health services. Existing law requires the State Department of Mental Health to manage the Early and Periodic Screening, Diagnosis, and Treatment Program.~~

~~This bill would require the State Department of Mental Health, in consultation with the State Department of Health Care Services, to adopt regulations to provide for the prompt reimbursement to counties of Medi-Cal claims for the provision of services under the Early and Periodic Screening, Diagnosis, and Treatment Program.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 16531.1 of the Government Code is
 2 amended to read:
 3 16531.1. (a) Notwithstanding any other provision of law and
 4 without regard to fiscal year, if the annual State Budget is not
 5 enacted by June 30 of any fiscal year preceding the fiscal year to
 6 which the budget would apply or there is a deficiency in the
 7 Medi-Cal budget during any fiscal year, both of the following shall
 8 occur:
 9 (1) The Controller shall annually transfer from the General
 10 Fund, in the form of one or more loans, an amount not to exceed
 11 a cumulative total of ~~one~~ *two* billion dollars ~~(\$1,000,000,000)~~
 12 ~~(\$2,000,000,000)~~ in any fiscal year, to the Medical Providers
 13 Interim Payment Fund, which is hereby created in the State
 14 Treasury. Notwithstanding Section 13340 of the Government Code,
 15 the Medical Providers Interim Payment Fund is hereby
 16 continuously appropriated *without regard to fiscal year* for the
 17 purpose of making payments to Medi-Cal providers, providers of

1 services under Chapter 6 (commencing with Section 120950) of
2 Part 4 of Division 105 of the Health and Safety Code, and providers
3 of services under Division 4.5 (commencing with Section 4500)
4 of the Welfare and Institutions Code, on or after July 1 of the fiscal
5 year for which no budget has been enacted and before September
6 1 of that year or for the purpose of making payments to Medi-Cal
7 providers, providers of services under Chapter 6 (commencing
8 with Section 120950) of Part 4 of Division 105 of the Health and
9 Safety Code, and providers of services under Division 4.5
10 (commencing with Section 4500) of the Welfare and Institutions
11 Code, during the period in which the Medi-Cal program has a
12 deficiency. Payments shall be made pursuant to this subdivision
13 if both of the following conditions have been met:

- 14 (A) An invoice has been submitted for the services.
- 15 (B) Payment for the services is due and payable and the State
16 Department of Health Services determines that payment would be
17 valid.

18 (2) For any fiscal year to which this subdivision applies, there
19 is hereby appropriated the sum of ~~one~~ *two* billion dollars
20 ~~(\$1,000,000,000)~~ *(\$2,000,000,000)* from the Federal Trust Fund
21 to the Medical Providers Interim Payment Fund.

22 (b) Upon the enactment of the annual Budget Act or a deficiency
23 bill in any fiscal year to which subdivision (a) applies, the
24 Controller shall transfer all expenditures and unexpended funds
25 in the Medical Providers Interim Payment Fund to the appropriate
26 Budget Act item.

27 (c) The amount of any loan made pursuant to subdivision (a)
28 and for which moneys were expended from the Medical Providers
29 Interim Payment Fund shall be repaid by debiting the appropriate
30 Budget Act item in accordance with the procedure prescribed by
31 the Department of Finance.

32 ~~SECTION 1. Section 5767.5 is added to the Welfare and~~
33 ~~Institutions Code, to read:~~

34 ~~5767.5. The State Department of Mental Health, in consultation~~
35 ~~with the State Department of Health Care Services, shall adopt~~
36 ~~regulations to provide for the prompt reimbursement to counties~~
37 ~~of Medi-Cal claims for the provision of services under the Early~~
38 ~~and Periodic Screening, Diagnosis, and Treatment Program.~~