

AMENDED IN SENATE AUGUST 17, 2010

AMENDED IN SENATE AUGUST 2, 2010

AMENDED IN SENATE JULY 15, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1653

Introduced by Assembly Member Jones
(Principal coauthor: Senator Alquist)

January 14, 2010

An act to amend Sections 14167.1, 14167.2, 14167.3, 14167.5, 14167.6, 14167.10, 14167.11, 14167.12, 14167.14, 14167.15, 14167.31, and 14167.32, 14167.35, and 14167.36 of, ~~to add Article 5.227 (commencing with Section 14168) to Chapter 7 of Part 3 of Division 9 of,~~ and to repeal and add Section 14167.9 of, the Welfare and Institutions Code, relating to Medi-Cal, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1653, as amended, Jones. Medi-Cal: hospitals: managed health care plans: mental health plans: quality assurance fee.

Existing law establishes 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. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions.

Existing law, subject to federal approval, requires the department to make supplemental payments for certain services, as specified, to private hospitals, nondesignated public hospitals, and designated public hospitals, as defined, for subject federal fiscal years, as defined.

This bill would make various changes to the formulas used to determine the amount of supplemental payments made to private and designated public hospitals. *This bill would expand the definition of a nondesignated public hospital.*

Existing law ~~proscribes~~ *prescribes* certain deadlines by which the above-described supplemental payments are required to be made to hospitals depending upon the federal fiscal year for which the payment is to be made.

This bill would require the department to make to hospitals the supplemental payments for the 2008–09, 2009–10, and 2010–11 federal fiscal years in 7 payments, as specified.

Existing law requires the department to make enhanced payments to managed health care plans, as defined, and requires the state to make enhanced payments to mental health plans, as defined, for each subject federal fiscal year, as specified. Existing law requires the managed health care plans and mental health plans that received enhanced payments to make supplemental payments to subject hospitals, as defined, pursuant to specified formulas.

This bill would, instead, refer to the payments made by the department to the managed health care plans and mental health plans as increased capitation payments. The bill would require the department to determine the amount of increased capitation payments for each Medi-Cal managed care plan and to consider certain factors in making that determination. The bill would prohibit the amount of increased capitation payments to each Medi-Cal managed *health care* ~~health~~ plan from exceeding an amount that results in capitation payments that are certified by the state's actuary as meeting federal requirements. The bill would require each managed health care plan to expend 100% of any increased capitation payments it receives from the department on hospital services.

Existing law, subject to federal approval, also imposes, as a condition of participation in state-funded health insurance programs other than the Medi-Cal program, a quality assurance fee, as specified, on certain general acute care hospitals through and including December 31, 2010. Existing law creates the Hospital Quality Assurance Revenue Fund in the State Treasury and requires that the money collected from the quality assurance fee be deposited into the fund. Existing law provides that the moneys in the fund shall, upon appropriation by the Legislature, be available only for certain purposes, including providing the above-described supplemental payments to hospitals and health care coverage for children.

This bill would modify the formulas used in calculating the amount of the quality assurance fee imposed on acute care hospitals pursuant to the above-described provisions.

The bill would provide that the quality assurance fee shall not be imposed on a converted hospital, as defined, for a subject federal fiscal year in which the hospital becomes a converted hospital or for subsequent federal fiscal years.

Prior to federal approval of implementation of the above-described provisions, existing law requires each general acute care hospital that is not an exempt facility to certify to the best of its knowledge that the hospital is prepared to pay the aggregate quality assurance fee, as defined.

This bill would delete the above-described certification requirement. The bill would require hospitals to pay the quality assurance fee in 7 equal installments, as specified and subject to federal approval of the above-described provisions.

Existing law authorizes the department, as necessary to receive federal approval for the implementation of the above-described provisions, to increase or decrease certain amounts used to calculate the quality assurance fee.

This bill would delete the above-described authorization.

~~Existing law, effective January 1, 2011, and subject to the authority of a subsequent statute enacted to take effect on or after January 1, 2011, that meets certain conditions, imposes a quality assurance fee in a manner necessary to obtain federal Medicaid matching funds that shall be due and payable to the department by each general acute care hospital at specified rates for the purpose of making Medi-Cal payments to hospitals.~~

~~This bill would, effective January 1, 2011, impose on each general acute care hospital that is not an exempt facility, as defined, a quality assurance fee, as a condition of participation in state-funded health insurance programs, other than the Medi-Cal program. This bill would require the quality assurance fee to be computed starting on the effective date of the bill and continue through and including June 30, 2011. The bill would require the proceeds from the fee to be used for the same purposes as the above-described quality assurance fee that is imposed on hospitals through and including December 31, 2010. The bill would provide that the method of calculation and collection of the quality assurance fee is to be determined in an unspecified manner.~~

~~This bill would require the director to seek federal approvals or waivers as may be necessary to implement the above-described provisions and to obtain federal financial participation to the maximum extent possible with the proceeds from the quality assurance fee paid pursuant to those provisions.~~

~~This bill would require the fee payments and any related federal reimbursement under the above-described provisions that become effective January 1, 2011, to be deposited in the Hospital Quality Assurance Revenue Fund. The bill would continuously appropriate these moneys in an unspecified manner.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

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

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

- 1 SECTION 1. Section 14167.1 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 14167.1. (a) “Acute psychiatric days” means the total number
- 4 of Short-Doyle administrative days, Short-Doyle acute care days,
- 5 acute psychiatric administrative days, and acute psychiatric acute
- 6 days identified in the Final Medi-Cal Utilization Statistics for the
- 7 2008–09 state fiscal year as calculated by the department on
- 8 September 15, 2008.
- 9 (b) ~~(1)~~ “Converted hospital” means a private hospital that
- 10 becomes a designated public hospital or a nondesignated public
- 11 hospital after the implementation date, a nondesignated public
- 12 hospital that becomes a private hospital or a designated public
- 13 hospital after the implementation date, or a designated public
- 14 hospital that becomes a private hospital or a nondesignated public
- 15 hospital after the implementation date.
- 16 ~~(2) A private hospital shall be considered a converted hospital~~
- 17 ~~if both of the following apply:~~
- 18 ~~(A) After the implementation date, the hospital’s ownership is~~
- 19 ~~transferred to a nonprofit corporation and that corporation’s sole~~
- 20 ~~corporate member is a health care district governed by Division~~
- 21 ~~23 (commencing with Section 32000) of the Health and Safety~~
- 22 ~~Code.~~

1 ~~(B) The hospital is operating a hospital owned by a health care~~
2 ~~district.~~

3 (c) “Current Section 1115 Waiver” means California’s Medi-Cal
4 Hospital/Uninsured Care Section 1115 Waiver Demonstration in
5 effect on the effective date of the article.

6 (d) “Designated public hospital” shall have the meaning given
7 in subdivision (d) of Section 14166.1 as that section may be
8 amended from time to time.

9 (e) “General acute care days” means the total number of
10 Medi-Cal general acute care days paid by the department to a
11 hospital in the 2008 calendar year, as reflected in the state paid
12 claims files on July 10, 2009.

13 (f) “High acuity days” means Medi-Cal coronary care unit days,
14 pediatric intensive care unit days, intensive care unit days, neonatal
15 intensive care unit days, and burn unit days paid by the department
16 during the 2008 calendar year, as reflected in the state paid claims
17 files on July 10, 2009.

18 (g) “Hospital inpatient services” means all services covered
19 under Medi-Cal and furnished by hospitals to patients who are
20 admitted as hospital inpatients and reimbursed on a fee-for-service
21 basis by the department directly or through its fiscal intermediary.
22 Hospital inpatient services include outpatient services furnished
23 by a hospital to a patient who is admitted to that hospital within
24 24 hours of the provision of the outpatient services that are related
25 to the condition for which the patient is admitted. Hospital inpatient
26 services include physician services only where the service is
27 furnished to a hospital inpatient, the physician is compensated by
28 the hospital for the service, and the service is billed to Medi-Cal
29 by the hospital under a provider number assigned to the hospital.
30 Hospital inpatient services do not include services for which a
31 managed health care plan is financially responsible.

32 (h) “Hospital outpatient services” means all services covered
33 under Medi-Cal furnished by hospitals to patients who are
34 registered as hospital outpatients and reimbursed by the department
35 on a fee-for-service basis directly or through its fiscal intermediary.
36 Hospital outpatient services include physician services only where
37 the service is furnished to a hospital outpatient, the physician is
38 compensated by the hospital for the service, and the service is
39 billed to Medi-Cal by the hospital under a provider number
40 assigned to the hospital. Hospital outpatient services do not include

1 services for which a managed health care plan is financially
2 responsible, or services rendered by a hospital-based federally
3 qualified health center for which reimbursement is received
4 pursuant to Section 14132.100.

5 (i) (1) “Implementation date” means the latest effective date
6 of all federal approvals or waivers necessary for the implementation
7 of this article and Article 5.22 (commencing with Section
8 14167.31), including, but not limited to, any approvals on
9 amendments to contracts between the department and managed
10 health care plans or mental health plans necessary for the
11 implementation of this article. The effective date of a federal
12 approval of a contract amendment shall be the earliest date to
13 which the computation of payments under the contract amendment
14 is applicable that may be prior to the date on which the contract
15 amendment is executed.

16 (2) If federal approval is sought initially for only the 2008–09
17 federal fiscal year and separately secured for subsequent federal
18 fiscal years, the implementation date for the 2008–09 federal fiscal
19 year shall occur when all necessary federal approvals have been
20 secured for that federal fiscal year.

21 (j) “Individual hospital acute psychiatric supplemental payment”
22 means the total amount of acute psychiatric hospital supplemental
23 payments to a subject hospital for a quarter for which the
24 supplemental payments are made. The “individual hospital acute
25 psychiatric supplemental payment” shall be calculated for subject
26 hospitals by multiplying the number of acute psychiatric days for
27 the individual hospital for which a mental health plan was
28 financially responsible by four hundred eighty-five dollars (\$485)
29 and dividing the result by 4.

30 (k) (1) “Managed health care plan” means a health care delivery
31 system that manages the provision of health care and receives
32 prepaid capitated payments from the state in return for providing
33 services to Medi-Cal beneficiaries.

34 (2) (A) Managed health care plans include, but are not limited
35 to, county organized health systems, prepaid health plans, and
36 entities contracting with the department to provide services
37 pursuant to two-plan models and geographic managed care. Entities
38 providing these services contract with the department pursuant to
39 any of the following:

40 (i) Article 2.7 (commencing with Section 14087.3).

- 1 (ii) Article 2.8 (commencing with Section 14087.5).
- 2 (iii) Article 2.81 (commencing with Section 14087.96).
- 3 (iv) Article 2.91 (commencing with Section 14089).
- 4 (v) Article 1 (commencing with Section 14200) of Chapter 8.
- 5 (vi) Article 7 (commencing with Section 14490) of Chapter 8.
- 6 (B) Managed health care plans do not include any mental health
- 7 plan contracting to provide mental health care for Medi-Cal
- 8 beneficiaries pursuant to Part 2.5 (commencing with Section 5775)
- 9 of Division 5.

10 (l) “Medi-Cal managed care days” means the total number of
11 general acute care days, including well baby days, listed for the
12 county organized health system and prepaid health plans identified
13 in the Final Medi-Cal Utilization Statistics for the 2008–09 state
14 fiscal year, as calculated by the department on September 15, 2008,
15 except that the general acute care days, including well baby days,
16 for the Santa Barbara Health Care Initiative shall be derived from
17 the Final Medi-Cal Utilization Statistics for the 2007–08 state
18 fiscal year.

19 (m) “Medicaid inpatient utilization rate” means Medicaid
20 inpatient utilization rate as defined in Section 1396r-4 of Title 42
21 of the United States Code and as set forth in the final
22 disproportionate share hospital eligibility list for the 2008–09 state
23 fiscal year released by the department on October 22, 2008.

24 (n) “Mental health plan” means a mental health plan that
25 contracts with the State Department of Mental Health to furnish
26 or arrange for the provision of mental health services to Medi-Cal
27 beneficiaries pursuant to Part 2.5 (commencing with Section 5775)
28 of Division 5.

29 (o) “New hospital” means a hospital that was not in operation
30 under current or prior ownership as a private hospital, a
31 nondesignated public hospital, or a designated public hospital for
32 any portion of the 2008–09 state fiscal year.

33 ~~(p) “Nondesignated public hospital” means a public hospital~~
34 ~~that is licensed under subdivision (a) of Section 1250 of the Health~~
35 ~~and Safety Code, is not designated as a specialty hospital in the~~
36 ~~hospital’s annual financial disclosure report for the hospital’s latest~~
37 ~~fiscal year ending in 2007, and satisfies the definition in paragraph~~
38 ~~(25) of subdivision (a) of Section 14105.98, excluding designated~~
39 ~~public hospitals.~~

1 (p) “Nondesignated public hospital” means either of the
2 following:

3 (1) A public hospital that is licensed under subdivision (a) of
4 Section 1250 of the Health and Safety Code, is not designated as
5 a specialty hospital in the hospital’s annual financial disclosure
6 report for the hospital’s latest fiscal year ending in 2007, and
7 satisfies the definition in paragraph (25) of subdivision (a) of
8 Section 14105.98, excluding designated public hospitals.

9 (2) A tax-exempt nonprofit hospital that is licensed under
10 subdivision (a) of Section 1250 of the Health and Safety Code, is
11 not designated as a specialty hospital in the hospital’s annual
12 financial disclosure report for the hospital’s latest fiscal year
13 ending in 2007, is operating a hospital owned by a local health
14 care district, and is affiliated with the health care district hospital
15 owner by means of the district’s status as the nonprofit
16 corporation’s sole corporate member.

17 (q) “Outpatient base amount” means the total amount of
18 payments for hospital outpatient services made to a hospital in the
19 2007 calendar year, as reflected in state paid claims files on January
20 26, 2008.

21 (r) “Private hospital” means a hospital that meets all of the
22 following conditions:

23 (1) Is licensed pursuant to subdivision (a) of Section 1250 of
24 the Health and Safety Code.

25 (2) Is in the Charitable Research Hospital peer group, as set
26 forth in the 1991 Hospital Peer Grouping Report published by the
27 department, or is not designated as a specialty hospital in the
28 hospital’s Office of Statewide Health Planning and Development
29 Annual Financial Disclosure Report for the hospital’s latest fiscal
30 year ending in 2007.

31 (3) Does not satisfy the Medicare criteria to be classified as a
32 long-term care hospital.

33 (4) Is a nonpublic hospital, nonpublic converted hospital, or
34 converted hospital as those terms are defined in paragraphs (26)
35 to (28), inclusive, respectively, of subdivision (a) of Section
36 14105.98.

37 (s) “Subject federal fiscal year” means a federal fiscal year that
38 ends after the implementation date and begins before December
39 31, 2010.

1 (t) “Subject hospital” shall mean a hospital that meets all of the
2 following conditions:

3 (1) Is licensed pursuant to subdivision (a) of Section 1250 of
4 the Health and Safety Code.

5 (2) Is in the Charitable Research Hospital peer group, as set
6 forth in the 1991 Hospital Peer Grouping Report published by the
7 department, or is not designated as a specialty hospital in the
8 hospital’s Office of Statewide Health Planning and Development
9 Annual Financial Disclosure Report for the hospital’s latest fiscal
10 year ending in 2007.

11 (3) Does not satisfy the Medicare criteria to be classified as a
12 long-term care hospital.

13 (u) “Subject month” means a calendar month beginning on or
14 after the implementation date and ending before January 1, 2011.

15 (v) “Upper payment limit” means a federal upper payment limit
16 on the amount of the Medicaid payment for which federal financial
17 participation is available for a class of service and a class of health
18 care providers, as specified in Part 447 of Title 42 of the Code of
19 Federal Regulations.

20 SEC. 2. Section 14167.2 of the Welfare and Institutions Code
21 is amended to read:

22 14167.2. (a) Private hospitals shall be paid supplemental
23 amounts for the provision of hospital outpatient services as set
24 forth in this section. The supplemental amounts shall be in addition
25 to any other amounts payable to hospitals with respect to those
26 services and shall not affect any other payments to hospitals.

27 (b) Except as set forth in subdivisions (e) and (f), each private
28 hospital shall be paid an amount for each subject federal fiscal
29 year equal to a percentage of the hospital’s outpatient base amount.
30 The percentage shall be the same for each hospital for a subject
31 federal fiscal year and shall result in payments to hospitals that
32 equal the applicable federal upper payment limit.

33 (c) In the event federal financial participation for a subject
34 federal fiscal year is not available for all of the supplemental
35 amounts payable to private hospitals under subdivision (b) due to
36 the application of a federal upper limit or for any other reason,
37 both of the following shall apply:

38 (1) The total amount payable to private hospitals under
39 subdivision (b) for the subject federal fiscal year shall be reduced
40 to the amount for which federal financial participation is available.

1 (2) The amount payable under subdivision (b) to each private
2 hospital for the subject federal fiscal year shall be equal to the
3 amount computed under subdivision (b) multiplied by the ratio of
4 the total amount for which federal financial participation is
5 available to the total amount computed under subdivision (b).

6 (d) The supplemental amounts set forth in this section are
7 inclusive of federal financial participation.

8 (e) No payments shall be made under this section to a new
9 hospital.

10 (f) No payments shall be made under this section to a converted
11 hospital for the subject federal fiscal year in which the hospital
12 becomes a converted hospital or for subsequent subject federal
13 fiscal years.

14 SEC. 3. Section 14167.3 of the Welfare and Institutions Code
15 is amended to read:

16 14167.3. (a) Private hospitals shall be paid supplemental
17 amounts for the provision of hospital inpatient services and
18 subacute services as set forth in this section. The supplemental
19 amounts shall be in addition to any other amounts payable to
20 hospitals with respect to those services and shall not affect any
21 other payments to hospitals.

22 (b) Except as set forth in subdivisions (g) and (h), each private
23 hospital shall be paid the following amounts as applicable for the
24 provision of hospital inpatient services for each subject federal
25 fiscal year:

26 (1) Six hundred forty dollars and forty-six cents (\$640.46)
27 multiplied by the hospital's general acute care days.

28 (2) Four hundred eighty-five dollars (\$485) multiplied by the
29 hospital's acute psychiatric days that were paid directly by the
30 department and were not the financial responsibility of a mental
31 health plan.

32 (3) One thousand three hundred fifty dollars (\$1,350) multiplied
33 by the number of the hospital's high acuity days if the hospital's
34 Medicaid inpatient utilization rate is less than 41.1 percent and
35 greater than 5 percent and at least 5 percent of the hospital's general
36 acute care days are high acuity days. This amount shall be in
37 addition to the amounts specified in paragraphs (1) and (2).

38 (4) One thousand three hundred fifty dollars (\$1,350) multiplied
39 by the number of the hospital's high acuity days if the hospital
40 qualifies to receive the amount set forth in paragraph (3) and has

1 been designated as a Level I, Level II, Adult/Ped Level I, or
2 Adult/Ped Level II trauma center by the emergency medical
3 services authority established pursuant to Section 1797.1 of the
4 Health and Safety Code. This amount shall be in addition to the
5 amounts specified in paragraphs (1), (2), and (3).

6 (c) A private hospital that provides Medi-Cal subacute services
7 during a subject federal fiscal year and has a Medicaid inpatient
8 utilization rate that is greater than 5.0 percent and less than 41.1
9 percent shall be paid for the provision of subacute services during
10 each subject federal fiscal year a supplemental amount equal to
11 40 percent of the Medi-Cal subacute payments made to the hospital
12 during the 2008 calendar year.

13 (d) (1) In the event federal financial participation for a subject
14 federal fiscal year is not available for all of the supplemental
15 amounts payable to private hospitals under subdivision (b) due to
16 the application of a federal limit or for any other reason, both of
17 the following shall apply:

18 (A) The total amount payable to private hospitals under
19 subdivision (b) for the subject federal fiscal year shall be reduced
20 to reflect the amount for which federal financial participation is
21 available.

22 (B) The amount payable under subdivision (b) to each private
23 hospital for the subject federal fiscal year shall be equal to the
24 amount computed under subdivision (b) multiplied by the ratio of
25 the total amount for which federal financial participation is
26 available to the total amount computed under subdivision (b).

27 (2) In the event federal financial participation for a subject
28 federal fiscal year is not available for all of the supplemental
29 amounts payable to private hospitals under subdivision (c) due to
30 the application of a federal upper limit or for any other reason,
31 both of the following shall apply:

32 (A) The total amount payable to private hospitals under
33 subdivision (c) for the subject federal fiscal year shall be reduced
34 to reflect the amount for which federal financial participation is
35 available.

36 (B) The amount payable under subdivision (c) to each private
37 hospital for the subject federal fiscal year shall be equal to the
38 amount computed under subdivision (c) multiplied by the ratio of
39 the total amount for which federal financial participation is
40 available to the total amount computed under subdivision (c).

1 (e) In the event the amount otherwise payable to a hospital under
2 this section for a subject federal fiscal year exceeds the amount
3 for which federal financial participation is available for that
4 hospital, the amount due to the hospital for that federal fiscal year
5 shall be reduced to the amount for which federal financial
6 participation is available.

7 (f) The amounts set forth in this section are inclusive of federal
8 financial participation.

9 (g) No payments shall be made under this section to a new
10 hospital.

11 (h) No payments shall be made under this section to a converted
12 hospital for the subject federal fiscal year in which the hospital
13 becomes a converted hospital or for subsequent subject federal
14 fiscal years.

15 SEC. 4. Section 14167.5 of the Welfare and Institutions Code
16 is amended to read:

17 14167.5. (a) Designated public hospitals shall be paid direct
18 grants in support of health care expenditures, which shall not
19 constitute Medi-Cal payments, and which shall be funded by the
20 quality assurance fee set forth in Article 5.22 (commencing with
21 Section 14167.31). The aggregate amount of the grants to
22 designated public hospitals for each subject federal fiscal year
23 shall be two hundred ninety-five million dollars (\$295,000,000).

24 (b) The director shall allocate the amount specified in
25 subdivision (a) among the designated public hospitals in accordance
26 with this subdivision. In determining the allocation, the director
27 shall rely on data from the Interim Hospital Payment Rate
28 Workbooks. For purposes of this section, "Interim Hospital
29 Payment Rate Workbook" means the Interim Hospital Payment
30 Rate Workbook, developed by the department and approved by
31 the federal Centers for Medicare and Medicaid Services for use in
32 connection with the Medi-Cal Hospital/Uninsured Care 1115
33 Waiver Demonstration, as submitted by each designated public
34 hospital, or the governmental entity with which the hospital is
35 affiliated, on or around June 2009 for the period of July 1, 2007,
36 to June 30, 2008, inclusive.

37 (1) Each designated public hospital's share of 80 percent of the
38 amount specified in subdivision (a) shall be determined by applying
39 a fraction, the numerator of which is the certified public
40 expenditures reported by the designated public hospital as

1 allowable Medi-Cal inpatient expenditures on Schedule 2.1,
2 Column 5, Step 5 of the Interim Hospital Payment Rate Workbook,
3 and the denominator of which is the total amount of certified public
4 expenditures reported as allowable Medi-Cal inpatient expenditures
5 by all designated public hospitals on Schedule 2.1, Column 5, Step
6 5 of the Interim Hospital Payment Rate Workbooks.

7 (2) Each designated public hospital's share of 20 percent of the
8 amount described in subdivision (a) shall be determined by
9 applying a fraction, the numerator of which is the sum of the
10 uninsured days of inpatient hospital services reported by the
11 designated public hospital on Schedule 1, Column 5a, lines 25
12 through 33 of the Interim Hospital Payment Rate Workbook, and
13 the denominator of which is the total uninsured days of inpatient
14 hospital services reported by all designated public hospitals on
15 Schedule 1, Column 5a, lines 25 through 33 of the Interim Hospital
16 Payment Rate Workbooks.

17 (c) In the event federal financial participation for a subject
18 federal fiscal year is not available for all of the supplemental
19 amounts payable to private hospitals under Section 14167.3, due
20 to the limitations on supplemental payments based on a partial-year
21 federal upper payment limit, the amount payable to each designated
22 public hospital under subdivision (b) shall equal the designated
23 public hospital's allocated grant amount under subdivision (b)
24 multiplied by a fraction, the numerator of which is the total number
25 of months in the subject federal fiscal year for which federal
26 financial participation is available for supplemental payment
27 amounts to private hospitals up to the federal upper payment limit,
28 and the denominator of which is 12.

29 (d) Designated public hospitals shall be paid supplemental
30 Medi-Cal amounts for acute inpatient psychiatric services that are
31 paid directly by the department and are not the financial
32 responsibility of a mental health plan, as set forth in this
33 subdivision. The supplemental amounts shall be in addition to any
34 other amounts payable to designated public hospitals, or a
35 governmental entity with which the hospital is affiliated, with
36 respect to those services and shall not affect any other payments
37 to hospitals or to any governmental entity with which the hospital
38 is affiliated.

39 (1) Each designated public hospital shall be paid an amount for
40 each subject federal fiscal year equal to four hundred eighty-five

1 dollars (\$485) multiplied by the hospital's acute psychiatric days
2 that were paid directly by the department and were not the financial
3 responsibility of a mental health plan, inclusive of federal financial
4 participation.

5 (2) In the event federal financial participation for a subject
6 federal fiscal year is not available for all of the supplemental
7 amounts payable to designated public hospitals under paragraph
8 (1) due to the application of a federal upper payment limit or for
9 any other reason, both of the following shall apply:

10 (A) The total amount payable to designated public hospitals
11 under paragraph (1) for the subject federal fiscal year shall be
12 reduced to the amount for which federal financial participation is
13 available.

14 (B) The amount payable under paragraph (1) to each designated
15 public hospital for the subject federal fiscal year shall be equal to
16 the amount computed under paragraph (1) multiplied by the ratio
17 of the total amount for which federal financial participation is
18 available to the total amount computed under paragraph (1).

19 (3) In the event the amount otherwise payable to a designated
20 public hospital under this subdivision for a subject federal fiscal
21 year exceeds the amount for which federal financial participation
22 is available for that hospital, the amount due to the hospital for
23 that federal fiscal year shall be reduced to the amount for which
24 federal financial participation is available.

25 SEC. 5. Section 14167.6 of the Welfare and Institutions Code
26 is amended to read:

27 14167.6. (a) The department shall increase capitation payments
28 to Medi-Cal managed health care plans for the subject federal
29 fiscal years as set forth in this section.

30 (b) The increased capitation payments shall be made as part of
31 the monthly capitated payments made by the department to
32 managed health care plans.

33 (c) The aggregate amount of increased capitation payments to
34 all Medi-Cal managed health care plans for a subject federal fiscal
35 year shall be seven hundred twenty-nine million eight hundred
36 twenty-nine thousand two hundred two dollars (\$729,829,202)
37 multiplied by the fee percentage of the subject federal fiscal year.

38 (d) The department shall determine the amount of the increased
39 capitation payments for each managed health care plan. The
40 department shall consider the composition of Medi-Cal enrollees

1 in the plan, the anticipated utilization of hospital services by the
2 plan's Medi-Cal enrollees, and other factors that the department
3 determines are reasonable and appropriate to ensuring access to
4 high quality hospital services by the plan's enrollees.

5 (e) The amount of increased capitation payments to each
6 Medi-Cal managed care health plan shall not exceed an amount
7 that results in capitation payments that are certified by the state's
8 actuary as meeting federal requirements, taking into account the
9 requirement that all of the increased capitation payments under
10 this section shall be paid by the Medi-Cal managed health care
11 plans to hospitals for hospital services to Medi-Cal enrollees of
12 the plan.

13 (f) The increased capitation payments to managed health care
14 plans under this section shall be made to support the availability
15 of hospital services and ensure access to hospital services for
16 Medi-Cal beneficiaries. The increased capitation payments to
17 managed health care plans shall be made as follows:

18 (1) The increased capitation payments shall commence during
19 the second month following the month during which the quality
20 assurance fee set forth in Article 5.22 (commencing with Section
21 14167.31) is due and payable from hospitals if the quality assurance
22 fee includes funds for increased capitation payments to managed
23 health care plans. The last increased capitation payments made
24 pursuant to this section shall be made during December 2010.

25 (2) The increased capitation payments made during the first
26 month in which increased payments are made pursuant to this
27 section shall include the sum of the increased payments for all
28 prior months for which payments are due and actuarial certification
29 was received.

30 (g) Payments to managed health care plans that would be paid
31 consistent with actuarial certification and enrollment in the absence
32 of the payments made pursuant to this section shall not be reduced
33 as a consequence of payment under this section.

34 (h) (1) Each managed health care plan shall expend 100 percent
35 of any increased capitation payments it receives under this section,
36 on hospital services.

37 (2) The department may issue change orders to amend contracts
38 with managed health care plans as needed to adjust monthly
39 capitation payments in order to implement this section.

1 (i) In the event federal financial participation is not available
2 for all of the increased capitation payments determined for a month
3 pursuant to this section for any reason, the increased capitation
4 payments mandated by this section for that month shall be reduced
5 proportionately to the amount for which federal financial
6 participation is available.

7 (j) Notwithstanding Chapter 3.5 (commencing with Section
8 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
9 the department shall implement this section by means of policy
10 letters or similar instructions, without taking further regulatory
11 action.

12 SEC. 6. Section 14167.9 of the Welfare and Institutions Code
13 is repealed.

14 SEC. 7. Section 14167.9 is added to the Welfare and
15 Institutions Code, to read:

16 14167.9. Subject to the limitations in Section 14167.14, the
17 following shall apply:

18 (a) (1) The department shall make to hospitals the payments
19 described in Sections 14167.2, 14167.3, 14167.4, and subdivision
20 (d) of Section 14167.5 for the 2008–09, 2009–10, and 2010–11
21 federal fiscal years in seven payments.

22 (2) (A) The first payment shall be made on or before the later
23 of September 30, 2010, or the ~~30~~ 30th day after the notice described
24 in Section 14167.32 is sent to each hospital.

25 (B) The subsequent payments shall be made in six consecutive
26 semimonthly payments that shall be made on or before the later
27 of each of the ~~14 and 30~~ 14th and 30th days of October, November,
28 and December 2010, or the ~~30~~ 30th day after the notice described
29 in Section 14167.32 is sent to each hospital.

30 (3) The amount of each payment made pursuant to this
31 subdivision shall be one-seventh of the amount of payments
32 calculated for each hospital under Sections 14167.2, 14167.3,
33 14167.4, and subdivision (d) of Section 14167.5.

34 (b) Notwithstanding subdivision (a), all amounts due to hospitals
35 under Sections 14167.2, 14167.3, 14167.4, and subdivision (d) of
36 Section 14167.5 that have not been paid to hospitals before
37 December 30, 2010, pursuant to subdivision (a), shall be paid to
38 hospitals no later than December 30, 2010.

1 (c) (1) The department shall make to hospitals the payments
2 described in subdivisions (a), (b), and (c) of Section 14167.5 in
3 seven payments.

4 (2) (A) (i) The first six payments shall be made in consecutive
5 semimonthly payments that shall be made on or before the later
6 of each of the first and 15th days of October, November, and
7 December 2010, or the 30th day after the notice described in
8 Section 14167.32 is sent to each hospital.

9 (ii) The amount of each of the first six payments shall be
10 one-seventh of the amount of payments calculated for each hospital
11 under subdivisions (a), (b), and (c) of Section 14167.5.

12 (B) (i) The seventh payment shall be made on or before
13 December 30, 2010.

14 (ii) The amount of the seventh payment shall be the total amount
15 due to hospitals under subdivisions (a), (b), and (c) of Section
16 14167.5 minus the amounts previously paid to the hospitals under
17 subparagraph (A).

18 SEC. 8. Section 14167.10 of the Welfare and Institutions Code
19 is amended to read:

20 14167.10. (a) Each managed health care plan receiving
21 increased capitation payments under Section 14167.6 shall expend
22 the capitation rate increases in a manner consistent with actuarial
23 certification, enrollment, and utilization on hospital services within
24 30 days of receiving the increased capitation payments.

25 (b) For each subject federal fiscal year, the sum of all
26 expenditures made by a managed health care plan for hospital
27 services pursuant to this section shall equal, or approximately
28 equal, all increased capitation payments received by the managed
29 health care plan, consistent with actuarial certification, enrollment,
30 and utilization, from the department pursuant to Section 14167.6.

31 (c) Any delegation or attempted delegation by a managed health
32 care plan of its obligation to expend the capitation rate increases
33 under this section shall not relieve the plan from its obligation to
34 expend those capitation rate increases. Managed health care plans
35 shall submit the documentation the department may require to
36 demonstrate compliance with this subdivision. The documentation
37 shall demonstrate actual expenditure of the capitation rate increases
38 for hospital services, and not assignment to subcontractors of the
39 managed health care plan's obligation of the duty to expend the
40 capitation rate increases.

1 (d) Consistent with actuarial certification, enrollment, and
2 utilization, managed health care plans shall in no event be obligated
3 under this section to expend the capitation rate increases on hospital
4 services that exceed the increased capitation payments made to
5 the managed health care plans under Section 14167.6.

6 SEC. 9. Section 14167.11 of the Welfare and Institutions Code
7 is amended to read:

8 14167.11. (a) The department shall increase payments to
9 mental health plans for the subject federal fiscal years as set forth
10 in this section.

11 (b) For each fiscal quarter that begins on or after the
12 implementation date, the state shall make increased capitation
13 payments to each mental health plan. The amount of those
14 increased capitation payments to a mental health plan shall be the
15 sum of all individual hospital acute psychiatric supplemental
16 payments for subject hospitals located in each county in which the
17 mental health plan operates.

18 (c) The state shall make increased capitation payments to mental
19 health plans exclusively for the purpose of making supplemental
20 payments to hospitals, in order to support the availability of
21 hospital mental health services and ensure access for Medi-Cal
22 beneficiaries to hospital mental health services. The increased
23 capitation payments to mental health plans shall be made as
24 follows:

25 (1) The increased capitation payments shall commence on or
26 before the later of the last day of the second month of the quarter
27 in which federal approval is granted or the 45th day following the
28 day on which federal approval is granted. Subsequent increased
29 capitation payments shall be made on the last day of the second
30 month of each quarter. The last increased capitation payments
31 made pursuant to this section shall be made during November
32 2010.

33 (2) The increased capitation payments made for the first quarter
34 for which increased capitation payments are made under this
35 section shall include the sum of increased capitation payments for
36 all prior quarters for which payments are due under subdivision
37 (b).

38 (3) The increased capitation payments made during November
39 2010 shall include payments computed under subdivision (b) for

1 all quarters in the 2010–11 federal fiscal year to the extent that
2 federal financial participation is available for the payments.

3 (d) (1) Each mental health plan shall expend, in the form of
4 additional payments to hospitals, 100 percent of any increased
5 capitation payments it receives under this section, pursuant to
6 Section 14167.12.

7 (2) At the discretion of the director, the plans shall receive an
8 administrative fee, in an amount determined by the department,
9 that is in addition to the increased capitation payments, that is
10 reflective of actual administrative costs and that shall be paid from
11 the fund created in Article 5.22 (commencing with Section
12 14167.31).

13 (e) In the event federal financial participation for a subject
14 federal fiscal year is not available for all of the increased capitation
15 acute psychiatric payments determined for a quarter pursuant to
16 this section for any reason, the increased capitation payments
17 mandated by this section for that quarter shall be reduced
18 proportionately to the amount for which federal financial
19 participation is available.

20 (f) Payments to mental health plans that would be paid in the
21 absence of the payments made pursuant to this section shall not
22 be reduced as a consequence of the payments under this section.

23 (g) In the event the director determines that payment of the
24 individual acute psychiatric supplemental payments may be made
25 by the department directly to the hospitals under this section and
26 Section 14167.12 without the need for transmitting the funds
27 through the mental health plans, those direct payments shall be
28 made notwithstanding any other provision of this article or Article
29 5.22 (commencing with Section 14167.31).

30 (h) The department may, as necessary, allocate money
31 appropriated to it from the Hospital Quality Assurance Revenue
32 Fund to the State Department of Mental Health for the purposes
33 of making increased payments to mental health plans pursuant to
34 this article.

35 SEC. 10. Section 14167.12 of the Welfare and Institutions
36 Code is amended to read:

37 14167.12. (a) At the same time that the state makes an
38 increased capitation payment to a mental health plan under Section
39 14167.11, the state shall notify the mental health plan that the plan
40 shall make payments in the amount of the individual hospital acute

1 psychiatric supplemental payment to each subject hospital located
2 in each county in which the mental health plan operates as a
3 consequence of receiving the increased capitation payment and
4 the amount of the individual hospital acute psychiatric
5 supplemental payment due to each hospital, subject to the
6 following:

7 (1) In the case of the increased capitation payments made to a
8 mental health plan during the first quarter in which the payments
9 are made to the plan, the notice shall direct mental health plans to
10 make supplemental payments to each hospital in an amount equal
11 to each hospital's individual hospital acute psychiatric
12 supplemental payment multiplied by the number of quarters for
13 which the enhance payments were made.

14 (2) The notice provided by the department in connection with
15 the increased capitation payments to each mental health plan during
16 November 2010 shall also direct the mental health plan to make
17 quarterly supplemental payments to hospitals for quarters, if any,
18 between January 2011 and September 2011, inclusive, for which
19 federal financial participation is available as described in paragraph
20 (3) of subdivision (c) of Section 14167.11 and the amount of the
21 supplemental payments as calculated pursuant to this subdivision.

22 (b) Each mental health plan receiving payments under Section
23 14167.11 shall make supplemental payments to hospitals within
24 30 days of receiving the payments under Section 14167.11, except
25 that if the mental health plan receives increased capitation
26 payments during November 2010, which include payments relating
27 to some or all of the quarters between January 2011 and September
28 2011, inclusive, the mental health plan shall make payments
29 relating to the quarters between January 2011 and September 2011,
30 inclusive, on or before the end of each quarter to which the payment
31 relates. The payments shall be made to those hospitals and in those
32 amounts set forth by the department in its notice provided pursuant
33 to subdivision (a).

34 (c) The supplemental payments made to hospitals pursuant to
35 this section shall be in addition to any other amounts payable to
36 hospitals by a mental health plan or otherwise and shall not affect
37 any other payments to hospitals.

38 (d) For each subject federal fiscal year, the sum of all
39 supplemental payments made by a mental health plan to subject
40 hospitals pursuant to this section shall equal all increased capitation

1 payments received by the mental health plan from the state pursuant
2 to Section 14167.11.

3 (e) Mental health plans shall not take into account payments
4 made pursuant to this article in negotiating the amount of payments
5 to hospitals that are not made pursuant to this article.

6 (f) A mental health plan is obligated to make payments under
7 this section only to the extent of the payments it receives under
8 Section 14167.11. A mental health plan may retain any interest it
9 earns on funds it receives under Section 14167.11 prior to making
10 payments of the funds to hospitals under this section.

11 (g) No payments shall be made under this section to a new
12 hospital.

13 (h) In the event federal financial participation for a quarter is
14 not available for all of the increased capitation mental health
15 payments made pursuant to Section 14167.11 for any reason, the
16 supplemental payments to hospitals under this section shall be
17 reduced proportionately to the amount for which federal financial
18 participation is available and the department's notice under
19 subdivision (a) shall reflect the reduction.

20 SEC. 11. Section 14167.14 of the Welfare and Institutions
21 Code is amended to read:

22 14167.14. (a) The director shall do all of the following:

23 (1) Submit any state plan amendment or waiver request that
24 may be necessary to implement this article.

25 (2) Seek federal approval for the use of the entire federal upper
26 payment limits applicable to hospital services for payments under
27 this article for the 2008–09, 2009–10, and 2010–11 federal fiscal
28 years.

29 (3) Seek federal approvals or waivers as may be necessary to
30 implement this article and to obtain federal financial participation
31 to the maximum extent possible for the payments under this article.

32 (4) Amend the contracts between the managed health care plans
33 and the department as necessary to incorporate the provisions of
34 Sections 14167.6 and 14167.10 and promptly seek all necessary
35 federal approvals of those amendments. The department shall
36 pursue amendments to the contracts as soon as possible after the
37 effective date of this article and Article 5.22 (commencing with
38 Section 14167.31), and shall not wait for federal approval of this
39 article or Article 5.22 (commencing with Section 14167.31) prior
40 to pursuing amendments to the contracts. The amendments to the

1 contracts shall, among other provisions, set forth an agreement to
2 increase payment rates to managed health care plans under Section
3 14166.6 and increase payments to hospitals under Section 14166.10
4 effective April 2009 or as soon thereafter as possible, conditioned
5 on obtaining all federal approvals necessary for federal financial
6 participation for the increased capitation payments to the managed
7 health care plans.

8 (b) In implementing this article, the department may utilize the
9 services of the Medi-Cal fiscal intermediary through a change
10 order to the fiscal intermediary contract to administer this program,
11 consistent with the requirements of Sections 14104.6, 14104.7,
12 14104.8, and 14104.9. Contracts entered into for purposes of
13 implementing this article or Article 5.22 (commencing with Section
14 14167.31) shall not be subject to Part 2 (commencing with Section
15 10100) of Division 2 of the Public Contract Code.

16 (c) This article shall become inoperative if either of the
17 following occurs:

18 (1) In the event, and on the effective date, of a final judicial
19 determination made by any court of appellate jurisdiction or a final
20 determination by the federal Department of Health and Human
21 Services or the federal Centers for Medicare and Medicaid Services
22 that any element of this article cannot be implemented.

23 (2) In the event both of the following conditions exist:

24 (A) The federal Centers for Medicare and Medicaid Services
25 denies approval for, or does not approve before January 1, 2012,
26 the implementation of Article 5.22 (commencing with Section
27 14167.31) or this article.

28 (B) Either or both articles cannot be modified by the department
29 pursuant to subdivision (e) of Section 14167.35 in order to meet
30 the requirements of federal law or to obtain federal approval.

31 (d) If this article becomes inoperative pursuant to paragraph (1)
32 of subdivision (c) and the determination applies to any period or
33 periods of time prior to the effective date of the determination, the
34 department shall have authority to recoup all payments made
35 pursuant to this article during that period or those periods of time.

36 (e) In the event any hospital, or any party on behalf of a hospital,
37 shall initiate a case or proceeding in any state or federal court in
38 which the hospital seeks any relief of any sort whatsoever,
39 including, but not limited to, monetary relief, injunctive relief,
40 declaratory relief, or a writ, based in whole or in part on a

1 contention that any or all of this article is unlawful and may not
2 be lawfully implemented, both of the following shall apply:

3 (1) No payments shall be made to the hospital pursuant to this
4 article until the case or proceeding is finally resolved, including
5 the final disposition of all appeals.

6 (2) Any amount computed to be payable to the hospital pursuant
7 to this section for a project year shall be withheld by the department
8 and shall be paid to the hospital only after the case or proceeding
9 is finally resolved, including the final disposition of all appeals.

10 (f) No payment shall be made under this article until all
11 necessary federal approvals for the payment and for the fee
12 provisions in Article 5.22 (commencing with Section 14167.31)
13 have been obtained and the fee has been imposed and collected.
14 Payments under this article shall be made only to the extent that
15 the fee established in Article 5.22 (commencing with Section
16 14167.31) is collected and available to support the payments.

17 (g) Supplemental payments for the 2008–09 federal fiscal year
18 shall not reduce the maximum federal funds available annually
19 pursuant to the Special Terms and Conditions, as amended October
20 5, 2007, of the Current Section 1115 Waiver.

21 (h) (1) The director shall negotiate the federal approvals
22 required to implement this article and Article 5.22 (commencing
23 with Section 14167.31) for the 2009–10 and 2010–11 federal fiscal
24 years concurrently with the negotiation of a federal waiver that
25 will replace the Current Section 1115 Waiver, with a goal of
26 obtaining federal approvals that do not adversely impact the federal
27 funds that would otherwise be available for services to Medi-Cal
28 beneficiaries and the uninsured. The director may initiate the
29 concurrent negotiations required by this subdivision by submitting
30 a concept paper to the federal Centers for Medicare and Medicaid
31 Services outlining the key elements of the replacement waiver
32 consistent with the goals set forth in this subdivision.

33 (2) In negotiating the terms of a federal waiver that will replace
34 the Current 1115 Waiver, the department shall explore
35 opportunities for reform of the Medi-Cal program and strengthen
36 California’s health care safety net. Subject to subsequent legislative
37 approval, the department shall explore program reforms, that may
38 include, but need not be limited to, strategies to accomplish
39 payment system reforms for hospital inpatient and outpatient care,
40 including incentive based payments, new payment methodologies

1 such as diagnostic-related group-based (DRG-based), or similar
2 methodologies, patient safety protocols, and quality measurement.

3 (3) This article and Article 5.22 (commencing with Section
4 14167.31) shall not be implemented with respect to the 2009–10
5 and 2010–11 federal fiscal years until the earlier of April 30, 2010,
6 or the date the federal government approves a federal waiver for
7 a demonstration that will replace the Current Section 1115 Waiver.

8 (i) A hospital’s receipt of payments under this article for services
9 rendered prior to the effective date of this article is conditioned
10 on the hospital’s continued participation in Medi-Cal for at least
11 30 days after the effective date of this article.

12 (j) All payments made by the department to hospitals, managed
13 health care plans, and mental health plans under this article shall
14 be made only from the following:

15 (1) The quality assurance fee set forth in Article 5.22
16 (commencing with Section 14167.31) and due and payable on or
17 before December 31, 2010.

18 (2) Federal reimbursement and any other related federal funds.

19 SEC. 12. Section 14167.15 of the Welfare and Institutions
20 Code is amended to read:

21 14167.15. Notwithstanding any other provision of this article
22 or Article 5.22 (commencing with Section 14167.31), the director
23 may proportionately reduce the amount of any supplemental
24 payments, increased capitation payments, or grants under this
25 article to the extent that the payment or grant would result in the
26 reduction of other amounts payable to a hospital or managed health
27 care plan or mental health plan due to the application of federal
28 law.

29 SEC. 13. Section 14167.31 of the Welfare and Institutions
30 Code is amended to read:

31 14167.31. (a) (1) “Aggregate annual quality assurance fee”
32 means, with respect to a hospital that is not a prepaid health plan
33 hospital, the sum of all of the following:

34 (A) The annual fee-for-service days for an individual hospital
35 multiplied by the fee-for-service per diem quality assurance fee
36 rate.

37 (B) The annual managed care days for an individual hospital
38 multiplied by the managed care per diem quality assurance fee
39 rate.

1 (C) The annual Medi-Cal days for an individual hospital
2 multiplied by the Medi-Cal per diem quality assurance fee rate.

3 (2) “Aggregate quality assurance fee” means, with respect to a
4 hospital that is a prepaid health plan hospital, the sum of all of the
5 following:

6 (A) The annual fee-for-service days for an individual hospital
7 multiplied by the fee-for-service per diem quality assurance fee
8 rate.

9 (B) The annual managed care days for an individual hospital
10 multiplied by the prepaid health plan hospital managed care per
11 diem quality assurance fee rate.

12 (C) The annual Medi-Cal managed care days for an individual
13 hospital multiplied by the prepaid health plan hospital Medi-Cal
14 managed care per diem quality assurance fee rate.

15 (D) The annual Medi-Cal fee-for-service days for an individual
16 hospital multiplied by the Medi-Cal per diem quality assurance
17 fee rate.

18 (3) “Aggregate quality assurance fee after the application of the
19 fee percentage” shall be determined separately for each subject
20 federal fiscal year and means the aggregate annual quality
21 assurance fee multiplied by the fee percentage for the subject
22 federal fiscal year.

23 (4) “Aggregate quality assurance fee” means the sum of the
24 aggregate quality assurance fee after the application of the fee
25 percentage for a hospital for each subject federal fiscal year.

26 (b) “Annual fee-for-service days” means the number of
27 fee-for-service days of each hospital subject to the quality assurance
28 fee in the 2007 calendar year, as reported on the days data source.

29 (c) “Annual managed care days” means the number of managed
30 care days of each hospital subject to the quality assurance fee in
31 the 2007 calendar year, as reported on the days data source.

32 (d) “Annual Medi-Cal days” means the number of Medi-Cal
33 days of each hospital subject to the quality assurance fee in the
34 2007 calendar year, as reported on the days data source.

35 (e) “Converted hospital” shall have the meaning given in
36 subdivision (b) of Section 14167.1.

37 (f) “Days data source” means the following:

38 (1) For a hospital that did not submit an Annual Financial
39 Disclosure Report to the Office of Statewide Health Planning and
40 Development for a fiscal year ending during 2007, but submitted

1 that report for a fiscal period ending in 2008 that includes at least
2 10 months of 2007, the Annual Financial Disclosure Report
3 submitted by the hospital to the Office of Statewide Health
4 Planning and Development for the fiscal period in 2008 that
5 includes at least 10 months of 2007.

6 (2) For a hospital owned by Kaiser Foundation Hospitals that
7 submitted corrections to reported patient days to the Office of
8 Statewide Health Planning and Development for its fiscal year
9 ending in 2007 before July 31, 2009, the corrected data.

10 (3) For all other hospitals, the hospital's Annual Financial
11 Disclosure Report in the Office of Statewide Health Planning and
12 Development files as of October 31, 2008, for its fiscal year ending
13 during 2007.

14 (g) "Designated public hospital" shall have the meaning given
15 in subdivision (d) of Section 14166.1 as that section may be
16 amended from time to time.

17 (h) "Exempt facility" means any of the following:

18 (1) A public hospital as defined in paragraph (25) of subdivision
19 (a) of Section 14105.98.

20 (2) With the exception of a hospital that is in the Charitable
21 Research Hospital peer group, as set forth in the 1991 Hospital
22 Peer Grouping Report published by the department, a hospital that
23 is a hospital designated as a specialty hospital in the hospital's
24 Office of Statewide Health Planning and Development Hospital
25 Annual Disclosure Report for the hospital's fiscal year ending in
26 the 2007 calendar year.

27 (3) A hospital that satisfies the Medicare criteria to be a
28 long-term care hospital.

29 (4) A small and rural hospital as specified in Section 124840
30 of the Health and Safety Code designated as that in the hospital's
31 Office of Statewide Health Planning and Development Hospital
32 Annual Disclosure Report for the hospital's fiscal year ending in
33 the 2007 calendar year.

34 (i) (1) "Federal approval" means the last approval by the federal
35 government required for the implementation of this article and
36 Article 5.21 (commencing with Section 14167.1).

37 (2) If federal approval is sought initially for only the 2008–09
38 federal fiscal year and separately secured for subsequent federal
39 fiscal years, the implementation date, as defined in subdivision (i)
40 of Section 14167.1, for the 2008–09 federal fiscal year shall occur

1 when all necessary federal approvals have been secured for that
2 federal fiscal year.

3 (j) “Fee-for-service per diem quality assurance fee rate” means
4 a fixed fee on fee-for-service days of two hundred fifteen dollars
5 and thirty cents (\$215.30) per day.

6 (k) “Fee-for-service days” means inpatient hospital days where
7 the service type is reported as “acute care,” “psychiatric care,” and
8 “chemical dependency care and rehabilitation care,” and the payer
9 category is reported as “Medicare traditional,” “county indigent
10 programs–traditional,” “other third parties–traditional,” “other
11 indigent,” and “other payers,” for purposes of the Annual Financial
12 Disclosure Report submitted by hospitals to the Office of Statewide
13 Health Planning and Development.

14 (l) “Fee percentage” means, for each subject federal fiscal year,
15 a fraction, expressed as a percentage, the numerator of which is
16 the amount of payments for the subject federal fiscal year under
17 Sections 14167.2, 14167.3, and 14167.4, subdivision (d) of Section
18 14167.5, and Section 14167.6 for which federal financial
19 participation is available and the denominator of which is two
20 billion nine hundred eighty-two million one hundred twenty-one
21 thousand five hundred sixty dollars (\$2,982,121,560).

22 (m) “General acute care hospital” means any hospital licensed
23 pursuant to subdivision (a) of Section 1250 of the Health and Safety
24 Code.

25 (n) “Hospital community” means any hospital industry
26 organization or system that represents children’s hospitals,
27 nondesignated public hospitals, designated public hospitals, private
28 safety-net hospitals, and other public or private hospitals.

29 (o) “Managed care days” means inpatient hospital days in the
30 2007 calendar year as reported on the days data source where the
31 service type is reported as “acute care,” “psychiatric care,” and
32 “chemical dependency care and rehabilitation care,” and the payer
33 category is reported as “Medicare managed care,” “county indigent
34 programs–managed care,” and “other third parties–managed care,”
35 for purposes of the Annual Financial Disclosure Report submitted
36 by hospitals to the Office of Statewide Health Planning and
37 Development.

38 (p) “Managed care per diem quality assurance fee rate” means
39 a fixed fee on managed care days of twenty-two dollars and fifty
40 cents (\$22.50) per day.

1 (q) “Medi-Cal days” means inpatient hospital days in the 2007
2 calendar year as reported on the days data source where the service
3 type is reported as “acute care,” “psychiatric care,” and “chemical
4 dependency care and rehabilitation care,” and the payer category
5 is reported as “Medi-Cal–traditional” and “Medi-Cal–managed
6 care,” for purposes of the Annual Financial Disclosure Report
7 submitted by hospitals to the Office of Statewide Health Planning
8 and Development.

9 (r) “Medi-Cal fee-for-service days” means inpatient hospital
10 days in the 2007 calendar year as reported on the days data source
11 where the service type is reported as “acute care,” “psychiatric
12 care,” and “chemical dependency care and rehabilitation care,”
13 and the payer category is reported as “Medi-Cal traditional” for
14 purposes of the Annual Financial Disclosure Report submitted by
15 hospitals to the Office of Statewide Health Planning and
16 Development.

17 (s) “Medi-Cal managed care days” means inpatient hospital
18 days in the 2007 calendar year as reported on the days data source
19 where the service type is reported as “acute care,” “psychiatric
20 care,” and “chemical dependency care and rehabilitation care,”
21 and the payer category is reported as “Medi-Cal managed care”
22 for purposes of the Annual Financial Disclosure Report submitted
23 by hospitals to the Office of Statewide Health Planning and
24 Development.

25 (t) “Medi-Cal per diem quality assurance fee rate” means a fixed
26 fee on Medi-Cal days of two hundred thirty-two dollars (\$232)
27 per day.

28 (u) “Nondesignated public hospital” means a public hospital
29 that is licensed under subdivision (a) of Section 1250 of the Health
30 and Safety Code and is defined in paragraph (25) of subdivision
31 (a) of Section 14105.98, excluding designated public hospitals.

32 (v) “Prepaid health plan hospital” means a hospital that is in the
33 Prepaid Health Plan Hospital peer group described in the 1991
34 Hospital Peer Grouping Report published by the department.

35 (w) “Prepaid health plan hospital managed care per diem quality
36 assurance fee rate” means a fixed fee on non-Medi-Cal managed
37 care days for prepaid health plan hospitals of twelve dollars and
38 sixty cents (\$12.60) per day.

39 (x) “Prepaid health plan hospital Medi-Cal managed care per
40 diem quality assurance fee rate” means a fixed fee on Medi-Cal

1 managed care days for prepaid health plan hospitals of one hundred
2 twenty-nine dollars and ninety-two cents (\$129.92) per day.

3 (y) “Prior fiscal year data” means any data taken from sources
4 that the department determines are the most accurate and reliable
5 at the time the determination is made, or may be calculated from
6 the most recent audited data using appropriate update factors. The
7 data may be from prior fiscal years, current fiscal years, or
8 projections of future fiscal years.

9 (z) “Private hospital” means a hospital licensed under
10 subdivision (a) of Section 1250 of the Health and Safety Code that
11 is a nonpublic hospital, nonpublic converted hospital, or converted
12 hospital as those terms are defined in paragraphs (26) to (28),
13 inclusive, respectively, of subdivision (a) of Section 14105.98.

14 (aa) “Subject federal fiscal year” means a federal fiscal year
15 ending after the implementation date, as defined in Section
16 14167.1, and beginning before December 31, 2010.

17 (ab) “Upper payment limit” means a federal upper payment
18 limit on the amount of the Medicaid payment for which federal
19 financial participation is available for a class of service and a class
20 of health care providers, as specified in Part 447 of Title 42 of the
21 Code of Federal Regulations.

22 SEC. 14. Section 14167.32 of the Welfare and Institutions
23 Code is amended to read:

24 14167.32. (a) There shall be imposed on each general acute
25 care hospital that is not an exempt facility a quality assurance fee,
26 as a condition of participation in state-funded health insurance
27 programs, other than the Medi-Cal program, provided that a quality
28 assurance fee shall not be imposed on a converted hospital for a
29 subject federal fiscal year in which the hospital becomes a
30 converted hospital or for subsequent federal fiscal years.

31 (b) The quality assurance fee shall be computed starting on the
32 implementation date, as defined in Section 14167.1, and continue
33 through and including December 31, 2010.

34 (c) Upon receipt of federal approval, the following shall become
35 operative:

36 (1) Within 30 days following receipt of the notice of federal
37 approval from the federal government, the department shall send
38 notice to each hospital subject to the quality assurance fee, and
39 publish on its Internet Web site, the following information:

40 (A) The date that the state received notice of federal approval.

1 (B) The fee percentage or percentages for each subject federal
 2 fiscal year.

3 (2) The notice to each hospital subject to the quality assurance
 4 fee shall also state the following:

5 (A) The aggregate quality assurance fee after the application of
 6 the fee percentage for each subject federal fiscal year.

7 (B) The aggregate quality assurance fee.

8 (C) The amount of each installment payment due from the
 9 hospital with respect to the aggregate quality assurance fee.

10 (D) The date on which each installment payment is due.

11 (3) (A) The hospitals shall pay the aggregate quality assurance
 12 fee in seven equal installments.

13 (B) (i) The first installment payment shall be made on or before
 14 the later of September 14, 2010, or the 14th day after the notice
 15 described in this section is sent to each hospital.

16 (ii) The additional installment payments shall be made in six
 17 consecutive semimonthly payments that shall be due and payable
 18 on or before the later of each of the first and 15th days of October,
 19 November, and December 2010, or the 14th day after the notice
 20 described in this section is sent to each hospital.

21 (4) Notwithstanding paragraph (3), the amount of each hospital's
 22 aggregate quality assurance fee that has not been paid by the
 23 hospital before December 15, 2010, pursuant to paragraph (3),
 24 shall be paid by the hospital no later than December 15, 2010.

25 (d) The quality assurance fee, as paid pursuant to this
 26 subdivision, shall be paid by each hospital subject to the fee to the
 27 department for deposit in the Hospital Quality Assurance Revenue
 28 Fund. Deposits may be accepted at any time and will be credited
 29 toward the fiscal year for which they were assessed.

30 (e) This section shall become inoperative if the federal Centers
 31 for Medicare and Medicaid Services denies approval for, or does
 32 not approve before January 1, 2012, the implementation of this
 33 article or Article 5.21 (commencing with Section 14167.1), and
 34 either or both articles cannot be modified by the department
 35 pursuant to subdivision (e) of Section 14167.35 in order to meet
 36 the requirements of federal law or to obtain federal approval.

37 (f) In no case shall the aggregate fees collected in a subject
 38 federal fiscal year pursuant to this section exceed the maximum
 39 percentage of the annual aggregate net patient revenue for hospitals
 40 subject to the fee that is prescribed pursuant to federal law and

1 regulations as necessary to preclude a finding that an indirect
2 guarantee has been created.

3 (g) (1) Interest shall be assessed on quality assurance fees not
4 paid on the date due at the greater of 10 percent per annum or the
5 rate at which the department assesses interest on Medi-Cal program
6 overpayments to hospitals that are not repaid when due. Interest
7 shall begin to accrue the day after the date the payment was due
8 and shall be deposited in the Hospital Quality Assurance Revenue
9 Fund.

10 (2) In the event that any fee payment is more than 60 days
11 overdue, a penalty equal to the interest charge described in
12 paragraph (1) shall be assessed and due for each month for which
13 the payment is not received after 60 days.

14 (h) When a hospital fails to pay all or part of the quality
15 assurance fee within 10 days of the date that payment is due, the
16 department may deduct the unpaid assessment and interest owed
17 from any Medi-Cal payments or other state payments to the hospital
18 in accordance with Section 12419.5 of the Government Code until
19 the full amount is recovered. All amounts, except penalties,
20 deducted by the department under this subdivision shall be
21 deposited in the Hospital Quality Assurance Revenue Fund. The
22 remedy provided to the department by this section is in addition
23 to other remedies available under law.

24 (i) The payment of the quality assurance fee shall not be
25 considered as an allowable cost for Medi-Cal cost reporting and
26 reimbursement purposes.

27 (j) The department shall work in consultation with the hospital
28 community to implement the quality assurance fee.

29 (k) This subdivision creates a contractually enforceable promise
30 on behalf of the state to use the proceeds of the quality assurance
31 fee, including any federal matching funds, solely and exclusively
32 for the purposes set forth in this article as they existed on the
33 effective date of this article, to limit the amount of the proceeds
34 of the quality assurance fee to be used to pay for the health care
35 coverage of children to the amounts specified in this article and
36 to make any payments for the department's costs of administration
37 to the amounts set forth in this article on the effective date of this
38 article to maintain and continue prior reimbursement levels as set
39 forth in Article 5.21 (commencing with Section 14167.1) on the
40 effective date of that article, and to otherwise comply with all its

1 obligations set forth in Article 5.21 (commencing with Section
2 14167.1) and this article.

3 (l) For the purpose of this article, references to the receipt of
4 notice by the state of federal approval of the implementation of
5 this article shall refer to the last date that the state receives notice
6 of all federal approval or waivers required for implementation of
7 this article and Article 5.21 (commencing with Section 14167.1),
8 subject to Section 14167.14.

9 (m) (1) Effective January 1, 2011, the rates payable to hospitals
10 and managed health care plans under Medi-Cal shall be the rates
11 then payable without the supplemental and increased capitation
12 payments set forth in Article 5.21 (commencing with Section
13 14167.1).

14 (2) The supplemental payments and other payments under
15 Article 5.21 (commencing with Section 14167.1) shall be regarded
16 as quality assurance payments, the implementation or suspension
17 of which does not affect a determination of the adequacy of any
18 rates under federal law.

19 SEC. 15. Section 14167.35 of the Welfare and Institutions
20 Code is amended to read:

21 14167.35. (a) The Hospital Quality Assurance Revenue Fund
22 is hereby created in the State Treasury.

23 (b) (1) All fees required to be paid to the state pursuant to this
24 article shall be paid in the form of remittances payable to the
25 department.

26 (2) The department shall directly transmit the fee payments and
27 any related federal reimbursement to the Treasurer to be deposited
28 in the Hospital Quality Assurance Revenue Fund. Notwithstanding
29 Section 16305.7 of the Government Code, any interest and
30 dividends earned on deposits in the fund shall be retained in the
31 fund for purposes specified in subdivision (c).

32 (c) All funds in the Hospital Quality Assurance Revenue Fund,
33 together with any interest and dividends earned on money in the
34 fund, shall, upon appropriation by the Legislature, be used
35 exclusively to enhance federal financial participation for hospital
36 services under the Medi-Cal program, to provide additional
37 reimbursement to, and to support quality improvement efforts of,
38 hospitals, and to minimize uncompensated care provided by
39 hospitals to uninsured patients, in the following order of priority:

1 (1) To pay for the department’s staffing and administrative costs
2 directly attributable to implementing Article 5.21 (commencing
3 with Section 14167.1) and this article, including any administrative
4 fees that the director determines shall be paid to mental health
5 plans pursuant to subdivision (d) of Section 14167.11 and
6 repayment of the loan made to the department from the Private
7 Hospital Supplemental Fund pursuant to the act that added this
8 section.

9 (2) To pay for the health care coverage for children in the
10 amount of eighty million dollars (\$80,000,000) for each quarter
11 for which payments are made under Article 5.21 (commencing
12 with Section 14167.1). In any quarter for which payments reflect
13 room under the upper payment limit that was available from prior
14 or subsequent quarters, the prior or subsequent quarters shall
15 constitute quarters for purposes of the payment for health care
16 coverage for children required by this paragraph.

17 (3) To make increased payments to hospitals pursuant to Article
18 5.21 (commencing with Section 14167.1).

19 (4) To make increased capitation payments to managed health
20 care plans pursuant to Article 5.21 (commencing with Section
21 14167.1).

22 (5) To make increased payments to mental health plans pursuant
23 to Article 5.21 (commencing with Section 14167.1).

24 (d) Any amounts of the quality assurance fee collected in excess
25 of the funds required to implement subdivision (c), including any
26 funds recovered under subdivision (d) of Section 14167.14 or
27 subdivision (e) of Section 14167.36, shall be refunded to general
28 acute care hospitals, pro rata with the amount of quality assurance
29 fee paid by the hospital, subject to the limitations of federal law.
30 If federal rules prohibit the refund described in this subdivision,
31 the excess funds shall be deposited in the Distressed Hospital Fund
32 to be used for the purposes described in Section 14166.23, and
33 shall be supplemental to and not supplant existing funds.

34 (e) Any methodology or other provision specified in Article
35 5.21 (commencing with Section 14167.1) and this article may be
36 modified by the department, in consultation with the hospital
37 community, to the extent necessary to meet the requirements of
38 federal law or regulations to obtain federal approval or to enhance
39 the probability that federal approval can be obtained, provided the
40 modifications do not violate the spirit and intent of Article 5.21

1 (commencing with Section 14167.1) or this article and are not
2 inconsistent with the conditions of implementation set forth in
3 Section 14167.36.

4 (f) The department, in consultation with the hospital community,
5 shall make adjustments, as necessary, to the amounts calculated
6 pursuant to Section 14167.32 in order to ensure compliance with
7 the federal requirements set forth in Section 433.68 of Title 42 of
8 the Code of Federal Regulations or elsewhere in federal law.

9 (g) The department shall request approval from the federal
10 Centers for Medicare and Medicaid Services for the implementation
11 of this article. In making this request, the department shall seek
12 specific approval from the federal Centers for Medicare and
13 Medicaid Services to exempt providers identified in this article as
14 exempt from the fees specified, including the submission, as may
15 be necessary, of a request for waiver of the broad based
16 requirement, waiver of the uniform fee requirement, or both,
17 pursuant to paragraphs (1) and (2) of subdivision (e) of Section
18 433.68 of Title 42 of the Code of Federal Regulations.

19 (h) (1) For purposes of this section, a modification pursuant to
20 this section shall be implemented only if the modification, change,
21 or adjustment does not do either of the following:

22 (A) Reduces or increases the supplemental payments or grants
23 made under Article 5.21 (commencing with Section 14167.1) in
24 the aggregate for the 2008–09, 2009–10, and 2010–11 federal
25 fiscal years to a hospital by more than 2 percent of the amount that
26 would be determined under this article without any change or
27 adjustment.

28 (B) Reduces or increases the amount of the fee payable by a
29 hospital in total under this article for the 2008–09, 2009–10, and
30 2010–11 federal fiscal years by more than 2 percent of the amount
31 that would be determined under this article without any change or
32 adjustment.

33 (2) The department shall provide the Joint Legislative Budget
34 Committee and the fiscal and appropriate policy committees of
35 the Legislature a status update of the implementation of Article
36 5.21 (commencing with Section 14167.1) and this article on
37 January 1, 2010, and quarterly thereafter. Information on any
38 adjustments or modifications to the provisions of this article or
39 Article 5.21 (commencing with Section 14167.1) that may be

1 required for federal approval shall be provided coincident with the
2 consultation required under subdivisions (f) and (g).

3 (i) Notwithstanding Chapter 3.5 (commencing with Section
4 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
5 the department may implement this article or Article 5.21
6 (commencing with Section 14167.1) by means of provider
7 bulletins, all plan letters, or other similar instruction, without taking
8 regulatory action. The department shall also provide notification
9 to the Joint Legislative Budget Committee and to the appropriate
10 policy and fiscal committees of the Legislature within five working
11 days when the above-described action is taken in order to inform
12 the Legislature that the action is being implemented.

13 SEC. 16. Section 14167.36 of the Welfare and Institutions
14 Code is amended to read:

15 14167.36. (a) This article shall only be implemented so long
16 as the following conditions are met:

17 (1) Subject to Section 14167.35, the quality assurance fee is
18 established in a manner that is fundamentally consistent with this
19 article.

20 (2) The quality assurance fee, including any interest on the fee
21 after collection by the department, is deposited in a segregated
22 fund apart from the General Fund.

23 (3) The proceeds of the quality assurance fee, including any
24 interest and related federal reimbursement, may only be used for
25 the purposes set forth in this article.

26 (b) No hospital shall be required to pay the quality assurance
27 fee to the department unless and until the state receives and
28 maintains federal approval of the quality assurance fee and Article
29 5.21 (commencing with Section 14167.1) from the federal Centers
30 for Medicare and Medicaid Services.

31 (c) Hospitals shall be required to pay the quality assurance fee
32 to the department as set forth in this article only as long as all of
33 the following conditions are met:

34 (1) The federal Centers for Medicare and Medicaid Services
35 allows the use of the quality assurance fee as set forth in this article.

36 (2) Article 5.21 (commencing with Section 14167.1) is enacted
37 and remains in effect and hospitals are reimbursed the increased
38 rates beginning on the implementation date, as defined in Section
39 14167.1.

1 (3) The full amount of the quality assurance fee assessed and
2 collected pursuant to this article remains available only for the
3 purposes specified in this article.

4 (d) This article shall become inoperative if either of the
5 following occurs:

6 (1) In the event, and on the effective date, of a final judicial
7 determination made by any court of appellate jurisdiction or a final
8 determination by the federal Department of Health and Human
9 Services or the federal Centers for Medicare and Medicaid Services
10 that any element of this article cannot be implemented.

11 (2) In the event both of the following conditions exist:

12 (A) The federal Centers for Medicare and Medicaid Services
13 denies approval for, or does not approve before January 1, 2012,
14 the implementation of Article 5.21 (commencing with Section
15 14167.1) or this article.

16 (B) Either or both articles cannot be modified by the department
17 pursuant to subdivision (e) of Section 14167.35 in order to meet
18 the requirements of federal law or to obtain federal approval.

19 (e) If this article becomes inoperative pursuant to paragraph (1)
20 of subdivision (d) and the determination applies to any period or
21 periods of time prior to the effective date of the determination, the
22 department may recoup all payments made pursuant to Article
23 5.21 (commencing with Section 14167.1) during that period or
24 those periods of time.

25 (f) This article and Article 5.21 (commencing with Section
26 14167.1) shall not be implemented with respect to the 2009–10
27 and 2010–11 federal fiscal years until the earlier of April 30, 2010,
28 or the date the federal government approves a federal waiver for
29 a demonstration that will replace the Current Section 1115 Waiver,
30 as defined in subdivision (c) of Section 14167.1.

31 ~~SEC. 17. Article 5.227 (commencing with Section 14168) is~~
32 ~~added to Chapter 7 of Part 3 of Division 9 of the Welfare and~~
33 ~~Institutions Code, to read:~~

34
35 ~~Article 5.227. Quality Assurance Fee Act~~
36

37 ~~14168. (a) (1) “Exempt facility” means any of the following:~~
38 ~~(A) A public hospital, which shall include either of the~~
39 ~~following:~~

- 1 (i) ~~A hospital as defined in paragraph (25) of subdivision (a) of~~
2 ~~Section 14105.98.~~
- 3 (ii) ~~A tax-exempt nonprofit hospital that is licensed under~~
4 ~~subdivision (a) of Section 1250 of the Health and Safety Code and~~
5 ~~operating a hospital owned by a local health care district, and is~~
6 ~~affiliated with the health care district hospital owner by means of~~
7 ~~the district's status as the nonprofit corporation's sole corporate~~
8 ~~member.~~
- 9 (B) ~~With the exception of a hospital that is in the Charitable~~
10 ~~Research Hospital peer group, as set forth in the 1991 Hospital~~
11 ~~Peer Grouping Report published by the department, a hospital that~~
12 ~~is designated as a specialty hospital in the hospital's Office of~~
13 ~~Statewide Health Planning and Development Hospital Annual~~
14 ~~Disclosure Report for the hospital's fiscal year ending in the 2007~~
15 ~~calendar year.~~
- 16 (C) ~~A hospital that satisfies the Medicare criteria to be a~~
17 ~~long-term care hospital.~~
- 18 (D) ~~A small and rural hospital as specified in Section 124840~~
19 ~~of the Health and Safety Code, designated as that in the hospital's~~
20 ~~Office of Statewide Health Planning and Development Hospital~~
21 ~~Annual Disclosure Report for the hospital's fiscal year ending in~~
22 ~~the 2007 calendar year.~~
- 23 (2) ~~"General acute care hospital" shall mean any hospital~~
24 ~~licensed pursuant to subdivision (a) of Section 1250 of the Health~~
25 ~~and Safety Code.~~
- 26 (b) ~~Effective January 1, 2011, there shall be imposed on each~~
27 ~~general acute care hospital that is not an exempt facility a quality~~
28 ~~assurance fee, as a condition of participation in a state-funded~~
29 ~~health insurance program, other than the Medi-Cal program.~~
- 30 (e) (1) ~~The quality assurance fee shall be computed starting on~~
31 ~~the effective date of this article and continue through and including~~
32 ~~June 30, 2011.~~
- 33 (2) ~~The method of calculation and collection of the quality~~
34 ~~assurance fee shall be determined pursuant to _____.~~
- 35 (3) ~~The quality assurance fee shall be used solely for the~~
36 ~~purposes specified in Article 5.21 (commencing with Section~~
37 ~~14167.1) and Article 5.22 (commencing with Section 14167.31).~~
- 38 (d) ~~The director shall do all of the following:~~
- 39 (1) ~~Seek federal approvals or waivers as may be necessary to~~
40 ~~implement this article.~~

1 ~~(2) Obtain federal financial participation to the maximum extent~~
2 ~~possible with the proceeds from the quality assurance fee paid~~
3 ~~pursuant to this article.~~

4 ~~(e) (1) The fee payments and any related federal reimbursement~~
5 ~~shall be deposited in the Hospital Quality Assurance Revenue~~
6 ~~Fund.~~

7 ~~(2) Notwithstanding Section 13340 of the Government Code,~~
8 ~~any moneys deposited in the Hospital Quality Assurance Revenue~~
9 ~~Fund pursuant to paragraph (1) shall be continuously appropriated,~~
10 ~~without regard to fiscal year, as follows:_____.~~

11 ~~SEC. 18.~~

12 *SEC. 17.* This act is an urgency statute necessary for the
13 immediate preservation of the public peace, health, or safety within
14 the meaning of Article IV of the Constitution and shall go into
15 immediate effect. The facts constituting the necessity are:

16 In order to make the necessary statutory changes to increase
17 Medi-Cal payments to hospitals and improve access, at the earliest
18 possible time, it is necessary that this act take effect immediately.