

ASSEMBLY BILL

No. 540

Introduced by Assembly Member Beall

February 16, 2011

An act to add Article 5.5 (commencing with Section 14184) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 540, as introduced, Beall. Medi-Cal: alcohol and drug screening and brief intervention services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions.

This bill would establish the Medi-Cal Alcohol and Drug Screening and Brief Intervention Services Program, under which the department, in consultation with the State Department of Alcohol and Drug Programs, would be required to provide reimbursement under the Medi-Cal program for alcohol and drug screening and brief intervention services provided to Medi-Cal beneficiaries who are pregnant women or women of childbearing age, as specified. This bill would require the nonfederal share of expenditures submitted to the federal Centers for Medicare and Medicaid Services (CMS), for purposes of claiming federal financial participation for services provided pursuant to the program, to be comprised of only those funds that are paid by a public entity, as defined. The bill would require a public entity that participates in the program, upon receiving federal financial participation for

expenditures made to CMS for alcohol and drug screening and brief intervention services, to reimburse the state for any costs of creating and administering the program. The bill would require the department to seek all necessary federal approvals for the implementation of the program. The bill would make participation in the program voluntary for a qualifying Medi-Cal beneficiary.

The bill would provide that these provisions shall be implemented only if, and to the extent that, federal funds are available for that purpose.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Screening and brief intervention for alcohol and other drug
4 abuse, in emergency rooms, primary care centers, clinics, and other
5 settings, have been demonstrated to be valuable and effective tools
6 in the prevention, interruption, and treatment of alcohol and other
7 drug abuse.

8 (b) Alcohol and drug screening and brief intervention services
9 should be readily available to patients in emergency rooms, primary
10 care centers, clinics, and other appropriate settings.

11 (c) A Medi-Cal beneficiary eligible for alcohol and drug
12 screening and brief intervention services should not be
13 discriminated against based on his or her type of coverage.

14 (d) The use of available federal and other funds to support the
15 delivery of alcohol and drug screening and brief intervention
16 services should be maximized.

17 SEC. 2. Article 5.5 (commencing with Section 14184) is added
18 to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions
19 Code, to read:

20

21 Article 5.5. Medi-Cal Alcohol and Drug Screening and Brief
22 Intervention Services Program

23

24 14184. This article shall be known, and may be cited, as the
25 Medi-Cal Alcohol and Drug Screening and Brief Intervention
26 Services Program.

1 14184.1. For purposes of this article, the following definitions
2 shall apply:

3 (a) “Department” means the State Department of Health Care
4 Services.

5 (b) “Public entity” means a county, or other local governmental
6 entity designated by the department, that elects to provide or
7 contract for alcohol and drug screening and brief intervention
8 services for Medi-Cal beneficiaries who are pregnant women or
9 women of childbearing age pursuant to this article.

10 14184.2. (a) The Medi-Cal Alcohol and Drug Screening and
11 Brief Intervention Services Program is hereby established.

12 (b) The department, in consultation with the State Department
13 of Alcohol and Drug Programs, shall, pursuant to this article,
14 provide reimbursement under the Medi-Cal program for alcohol
15 and drug screening and brief intervention services provided to
16 Medi-Cal beneficiaries who are pregnant women or women of
17 childbearing age.

18 (c) The department, in implementing this article, shall do all of
19 the following:

20 (1) Create an appropriate mechanism to enable a public entity
21 to pay the nonfederal share of the cost of providing services
22 pursuant to this article.

23 (2) Submit claims for federal financial participation for the
24 expenditures for the services described in subdivision (b) that are
25 allowable expenditures under federal law.

26 (3) Establish standards, billing codes, and reimbursement rates
27 for the services described in subdivision (b) that are consistent
28 with Title XIX of the federal Social Security Act (42 U.S.C. Sec.
29 1396 et seq.).

30 (d) The nonfederal share of expenditures submitted to the federal
31 Centers for Medicare and Medicaid Services for purposes of
32 claiming federal financial participation shall be comprised of only
33 those funds that are paid by a public entity, as defined in
34 subdivision (b) of Section 14184.1.

35 (e) The department shall seek all necessary federal approvals
36 in order to implement this article, including any amendments to
37 the state plan. To the extent that any element or requirement of
38 this article is not approved, the department shall submit a request
39 to the federal Centers for Medicare and Medicaid Services for any
40 waivers that would be necessary to implement this article.

1 (f) Upon receipt of federal reimbursement for the claim,
2 including federal matching funds, the department shall provide
3 the reimbursement to the public entity for which the claim was
4 submitted.

5 (g) Notwithstanding Chapter 3.5 (commencing with Section
6 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
7 the department may implement, interpret, and make specific this
8 article by means of all-county letters, provider bulletins, and similar
9 instructions.

10 (h) Participation in the screening and intervention program
11 established pursuant to this article shall be voluntary for a Medi-Cal
12 beneficiary. Participation in the program, and results of the
13 screening, shall be maintained in the beneficiary’s confidential
14 medical records and shall be subject to all confidentiality
15 requirements applicable to medical records.

16 (i) It is the intent of the Legislature, in enacting this article, to
17 provide alcohol and drug screening and brief intervention services
18 to Medi-Cal beneficiaries who are pregnant or who are women of
19 childbearing age without the expenditure of moneys from the
20 General Fund.

21 (j) A public entity that participates in the program established
22 pursuant to this article shall, upon receiving federal financial
23 participation for certified public expenditures made for alcohol
24 and drug screening and brief intervention services, reimburse the
25 state for any costs of creating and administering the program.

26 (k) A public entity shall, as a condition of receiving federal
27 financial participation for certified public expenditures made for
28 alcohol and drug screening and brief intervention services for a
29 Medi-Cal beneficiary who is pregnant or who is a woman of
30 childbearing age, enter into, and abide by, an agreement with the
31 department regarding the implementation of this section and
32 reimbursement to the department for the department’s costs for
33 administering this section.

34 14184.3. This article shall be implemented only if, and to the
35 extent that, federal funds are available for this purpose.