

**ASSEMBLY BILL**

**No. 1233**

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**Introduced by Assembly Member Chesbro**

February 22, 2013

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An act to amend Section 14132.47 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 1233, as introduced, Chesbro. Medi-Cal: Administrative Claiming process.

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. Existing law establishes an Administrative Claiming process under which local governmental agencies and local educational consortia contract with the department for the purpose of obtaining federal matching funds to assist with the performance of administrative activities relating to the Medi-Cal program. Under existing law, a participating local governmental agency may include a Native American Indian tribe, a tribal organization, or a subgroup of a Native American Indian tribe or tribal organization.

This bill would authorize a Native American Indian tribe, a tribal organization, or a subgroup of a Native American Indian tribe or tribal organization to utilize the California Healthcare Eligibility, Enrollment, and Retention System software to submit applications for Medi-Cal coverage and to enroll applicants in the Medi-Cal program as part of the Administrative Claiming process.

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. Section 14132.47 of the Welfare and Institutions  
2 Code is amended to read:  
3 14132.47. (a) It is the intent of the Legislature to provide local  
4 governmental agencies the choice of participating in either or both  
5 of the Targeted Case Management (TCM) and Administrative  
6 Claiming process programs at their option, subject to the  
7 requirements of this section and Section 14132.44.  
8 (b) The department may contract with each participating local  
9 governmental agency or each local educational consortium to assist  
10 with the performance of administrative activities necessary for the  
11 proper and efficient administration of the Medi-Cal program,  
12 pursuant to ~~Section 1396b(a) of Title 42 of the United States Code,~~  
13 Section 1903a of the federal Social Security Act (*42 U.S.C. Sec.*  
14 *1396b(a)*), and this activity shall be known as the Administrative  
15 Claiming process.  
16 (c) (1) Subject to the requirements of paragraph (2) of  
17 subdivision (f), as a condition for participation in the  
18 Administrative Claiming process, each participating local  
19 governmental agency or each local educational consortium shall,  
20 for the purpose of claiming federal Medicaid reimbursement, enter  
21 into a contract with the department and shall certify to the  
22 department the total amount the local governmental agency or each  
23 local educational consortium expended on the allowable  
24 administrative activities.  
25 (2) The department shall deny the claim if it determines that the  
26 certification is not adequately supported, or does not otherwise  
27 comply with federal requirements, for purposes of claiming federal  
28 financial participation.  
29 (d) Each participating local governmental agency or local  
30 educational consortium may subcontract with private or public  
31 entities to assist with the performance of administrative activities  
32 necessary for the proper and efficient administration of the  
33 Medi-Cal program under the conditions specified by the department  
34 in regulations.

1 (e) Each Administrative Claiming process contract shall include  
2 a requirement that each participating local governmental agency  
3 or each local educational consortium submit a claiming plan in a  
4 manner that shall be prescribed by the department in regulations,  
5 developed in consultation with local governmental agencies.

6 (f) (1) The department shall require that each participating local  
7 governmental agency or each local educational consortium certify  
8 to the department both of the following:

9 (A) The expenditure of 100 percent of the cost of performing  
10 Administrative Claiming process activities. The funds expended  
11 for this purpose shall be from the local governmental agency's  
12 general fund or the general funds of local educational agencies or  
13 from any other funds allowed under federal law and regulation.

14 (B) In each fiscal year that its expenditures represent costs that  
15 are eligible for federal financial participation for that fiscal year.  
16 The department shall deny the claim if it determines that the  
17 certification is not adequately supported for purposes of federal  
18 financial participation.

19 (2) (A) (i) A city that is not a participating local governmental  
20 agency, or any other local public entity, that contracts with a local  
21 governmental agency pursuant to subdivision (d) and that is located  
22 within a county that is a participating local governmental agency  
23 pursuant to this section, may submit certification to the local  
24 governmental agency of amounts expended for Administrative  
25 Claiming services in accordance with Section 433.51 of Title 42  
26 of the Code of Federal Regulations.

27 (ii) A city or other local public entity that submits certification  
28 pursuant to this paragraph shall comply with the requirements of  
29 paragraph (1), with other requirements applicable to local  
30 governmental agencies that the department determines, in  
31 regulations, to be applicable, and with all applicable federal  
32 requirements.

33 (iii) The local governmental agency shall forward the city's or  
34 local public entity's certification to the department for the purposes  
35 of claiming federal financial participation.

36 (iv) As applicable, the local governmental agency shall obtain  
37 and retain appropriate certifications from the expending city or  
38 local public entity, together with documentation of the underlying  
39 expenditures, as required by the department.

1 (B) A tribe or tribal organization, as defined in subdivision (n),  
2 that is not participating in Administrative Claiming process  
3 activities as a local governmental agency, may contract with, and  
4 submit to a tribe or tribal organization that is contracting with, the  
5 department pursuant to subdivision (b) amounts expended for  
6 Administrative Claiming process activities that it is certifying in  
7 accordance with Section 433.51 of Title 42 of the Code of Federal  
8 Regulations and other applicable federal law and regulations. The  
9 tribe or tribal organization receiving the certification shall forward  
10 it to the department for purposes of claiming federal financial  
11 participation. Such certification shall comply with all of the  
12 requirements for certification set forth in subparagraph (A).

13 (g) (1) Notwithstanding any other provision of this section, the  
14 state shall be held harmless, in accordance with paragraphs (2)  
15 and (3), from any federal audit disallowance and interest resulting  
16 from payments made to a participating local governmental agency  
17 or local educational consortium pursuant to this section, for the  
18 disallowed claim.

19 (2) To the extent that a federal audit disallowance and interest  
20 results from a claim or claims for which any participating local  
21 governmental agency or local educational consortium has received  
22 reimbursement for Administrative Claiming process activities, the  
23 department shall recoup from the local governmental agency or  
24 local educational consortium that submitted the disallowed claim,  
25 through offsets or by a direct billing, amounts equal to the amount  
26 of the disallowance and interest, in that fiscal year, for the  
27 disallowed claim. All subsequent claims submitted to the  
28 department applicable to any previously disallowed administrative  
29 activity or claim, may be held in abeyance, with no payment made,  
30 until the federal disallowance issue is resolved.

31 (3) Notwithstanding paragraph (2), to the extent that a federal  
32 audit disallowance and interest results from a claim or claims for  
33 which the participating local governmental agency or local  
34 educational consortium has received reimbursement for  
35 Administrative Claiming process activities performed by an entity  
36 under contract with, and on behalf of, the participating local  
37 governmental agency or local educational consortium, the  
38 department shall be held harmless by that particular participating  
39 local governmental agency or local educational consortium for

1 100 percent of the amount of the federal audit disallowance and  
2 interest, for the disallowed claim.

3 (h) The use of local funds required by this section shall not  
4 create, lead to, or expand the health care funding obligations or  
5 service obligations for current or future years for any participating  
6 local governmental agency or local educational consortium, except  
7 as required by this section or as may be required by federal law.

8 (i) The department shall deny any claim from a participating  
9 local governmental agency or local educational consortium if the  
10 department determines that the claim is not adequately supported  
11 in accordance with criteria established pursuant to this subdivision  
12 and implementing regulations before it forwards the claim for  
13 reimbursement to the federal Medicaid Program. In consultation  
14 with local government agencies and local educational consortia,  
15 the department shall adopt regulations that prescribe the  
16 requirements for the submission and payment of claims for  
17 administrative activities performed by each participating local  
18 governmental agency and local educational consortium.

19 (j) Administrative activities shall be those determined by the  
20 department to be necessary for the proper and efficient  
21 administration of the state's Medicaid plan and shall be defined  
22 in regulation.

23 (k) If the department denies any claim submitted under this  
24 section, the affected participating local governmental agency or  
25 local educational consortium may, within 30 days after receipt of  
26 written notice of the denial, request that the department reconsider  
27 its action. The participating local governmental agency or local  
28 educational consortium may request a meeting with the director  
29 or his or her designee within 30 days to present its concerns to the  
30 department after the request is filed. If the director or his or her  
31 designee cannot meet, the department shall respond in writing  
32 indicating the specific reasons for which the claim is out of  
33 compliance to the participating local governmental agency or local  
34 educational consortium in response to its appeal. Thereafter, the  
35 decision of the director shall be final.

36 (l) To the extent consistent with federal law and regulations,  
37 participating local governmental agencies or local educational  
38 consortium may claim the actual costs of nonemergency,  
39 nonmedical transportation of Medi-Cal eligibles to Medi-Cal  
40 covered services, under guidelines established by the department,

1 to the extent that these costs are actually borne by the participating  
 2 local governmental agency or local educational consortium. A  
 3 local educational consortium may only claim for nonemergency,  
 4 nonmedical transportation of Medi-Cal eligibles for Medi-Cal  
 5 covered services, through the Medi-Cal administrative activities  
 6 program. Medi-Cal medical transportation services shall be claimed  
 7 under the local educational agency Medi-Cal billing option,  
 8 pursuant to Section 14132.06.

9 (m) As a condition of participation in the Administrative  
 10 Claiming process and in recognition of revenue generated to each  
 11 participating local governmental agency and each local educational  
 12 consortium in the Administrative Claiming process, each  
 13 participating local governmental agency and each local educational  
 14 consortium shall pay an annual participation fee through a  
 15 mechanism agreed to by the state and local governmental agencies  
 16 and local educational consortia, or, if no agreement is reached by  
 17 August 1 of each year, directly to the state. The participation fee  
 18 shall be used to cover the cost of administering the Administrative  
 19 Claiming process, including, but not limited to, claims processing,  
 20 technical assistance, and monitoring. The department shall  
 21 determine and report staffing requirements upon which projected  
 22 costs will be based. The amount of the participation fee shall be  
 23 based upon the anticipated salaries, benefits, and operating  
 24 expenses, to administer the Administrative Claiming process and  
 25 other costs related to that process.

26 (n) (1) For the purposes of this section, “participating local  
 27 governmental agency” means a county, chartered city, Native  
 28 American Indian tribe, tribal organization, or subgroup of a Native  
 29 American Indian tribe or tribal organization, under contract with  
 30 the department pursuant to subdivision (b).

31 (2) *Each participating Native American Indian tribe, tribal*  
 32 *organization, or subgroup of a Native American Indian tribe or*  
 33 *tribal organization may utilize the California Healthcare*  
 34 *Eligibility, Enrollment, and Retention System software to submit*  
 35 *applications for Medi-Cal coverage and may enroll applicants in*  
 36 *the Medi-Cal program as part of the Administrative Claiming*  
 37 *process.*

38 (o) For purposes of this section, “local educational agency”  
 39 means a local educational agency, as defined in subdivision (h) of  
 40 Section 14132.06, that participates under the Administrative

1 Claiming process as a subcontractor to the local educational  
2 consortium in its service region.

3 (p) (1) For purposes of this section, “local educational  
4 consortium” means a local agency that is one of the service regions  
5 of the California County Superintendent Educational Services  
6 Association.

7 (2) Each local educational consortium shall contract with the  
8 department pursuant to paragraph (1) of subdivision (c).

9 (q) (1) Each participating local educational consortium shall  
10 be responsible for the local educational agencies in its service  
11 region that participate in the Administrative Claiming process.  
12 This responsibility includes, but is not limited to, the preparation  
13 and submission of all administrative claiming plans, training of  
14 local educational agency staff, overseeing the local educational  
15 agency time survey process, and the submission of detailed  
16 quarterly invoices on behalf of any participating local educational  
17 agency.

18 (2) Each participating local educational consortium shall ensure  
19 local educational agency compliance with all requirements of the  
20 Administrative Claiming process established for local governmental  
21 agencies.

22 (3) Ninety days prior to the initial participation in the  
23 Administrative Claiming process, each local educational  
24 consortium shall notify the department of its intent to participate  
25 in the process, and shall identify each local educational agency  
26 that will be participating as its subcontractor.

27 (r) (1) Each local educational agency that elects to participate  
28 in the Administrative Claiming process shall submit claims through  
29 its local educational consortium or through the local governmental  
30 agency, but not both.

31 (2) Each local educational agency participating as a  
32 subcontractor to a local educational consortium shall comply with  
33 all requirements of the Administrative Claiming process established  
34 for local governmental agencies.

35 (s) A participating local governmental agency or a local  
36 educational consortium may charge an administrative fee to any  
37 entity claiming Administrative Claiming through that agency.

38 (t) The department shall continue to administer the  
39 Administrative Claiming process in conformity with federal  
40 requirements.

1 (u) The department shall provide technical assistance to all  
2 participating local governmental agencies and local educational  
3 consortia in order to maximize federal financial participation in  
4 the Administrative Claiming process.

5 (v) This section shall be applicable to Administrative Claiming  
6 process activities performed, and to moneys paid to participating  
7 local governmental agencies for those activities in the 1994–95  
8 fiscal year and thereafter, and to local educational consortia in the  
9 1998–99 fiscal year and thereafter.

10 (w) Nothing in this section or Section 14132.44 shall be  
11 construed to prevent any state agency from participating in the  
12 Administrative Claiming process or from contracting with others  
13 to engage in these activities.