

AMENDED IN ASSEMBLY JUNE 19, 2014

AMENDED IN ASSEMBLY JUNE 15, 2014

AMENDED IN SENATE MAY 13, 2014

AMENDED IN SENATE MARCH 28, 2014

SENATE BILL

No. 1045

Introduced by Senator Beall

February 18, 2014

An act to amend Section 14021.6 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 1045, as amended, Beall. Medi-Cal Drug Treatment Program: group outpatient drug free services.

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

Existing law also provides for the Medi-Cal Drug Treatment Program (Drug Medi-Cal), under which each county enters into contracts with the State Department of Health Care Services to provide various drug treatment services to Medi-Cal recipients, or the department directly arranges to provide these services if a county elects not to do so. For purposes of Drug Medi-Cal, existing law requires that the maximum allowable rate for group outpatient drug free services be set on a per person basis and requires that a group consist of a minimum of 4, and a maximum of 10, individuals, at least one of which must be a Medi-Cal eligible beneficiary.

This bill would require a group to consist of a minimum of 2 and a maximum of ~~14~~ 12 individuals, at least one of which is a Medi-Cal eligible beneficiary. The bill would also require, if one of the individuals in a 2-member group is ineligible for Medi-Cal, *that* the individual who is ineligible for Medi-Cal ~~to~~ be receiving outpatient drug-free services for a substance abuse disorder diagnosed by a physician.

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

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

1 SECTION 1. Section 14021.6 of the Welfare and Institutions
2 Code is amended to read:
3 14021.6. (a) For the fiscal years prior to fiscal year 2004–05,
4 and subject to the requirements of federal law, the maximum
5 allowable rates for the Medi-Cal Drug Treatment Program shall
6 be determined by computing the median rate from available cost
7 data by modality from the fiscal year that is two years prior to the
8 year for which the rate is being established.
9 (b) (1) For the fiscal year 2007–08, and subsequent fiscal years,
10 and subject to the requirements of federal law, the maximum
11 allowable rates for the Medi-Cal Drug Treatment Program shall
12 be determined by computing the median rate from the most recently
13 completed cost reports, by specific service codes that are consistent
14 with the federal Health Insurance Portability and Accountability
15 Act of 1996 (42 U.S.C. Sec. 300gg).
16 (2) For the fiscal years 2005–06 and 2006–07, if the State
17 Department of Health Care Services and the State Department of
18 Alcohol and Drug Programs determine that reasonably reliable
19 and complete cost report data are available, the methodology
20 specified in this subdivision shall be applied to either or both of
21 those years. If reasonably reliable and complete cost report data
22 are not available, the State Department of Health Care Services
23 and the State Department of Alcohol and Drug Programs shall
24 establish rates for either or both of those years based upon the
25 usual, customary, and reasonable charge for the services to be
26 provided, as these two departments may determine in their
27 discretion. This subdivision is not intended to modify subdivision
28 (h) of Section 14124.24, which requires certain providers to submit
29 performance reports.

1 (c) Notwithstanding subdivision (a), for the 1996–97 fiscal year,
2 the rates for nonperinatal outpatient methadone maintenance
3 services shall be set at the rate established for the 1995–96 fiscal
4 year.

5 (d) Notwithstanding subdivision (a), the maximum allowable
6 rate for group outpatient drug free services shall be set on a per
7 person basis. A group shall consist of a minimum of 2 and a
8 maximum of ~~14~~ 12 individuals, at least one of which shall be a
9 Medi-Cal eligible beneficiary. For groups consisting of two
10 individuals, if one of the individuals is ineligible for Medi-Cal,
11 the individual who is ineligible for Medi-Cal shall be receiving
12 outpatient drug-free services for a substance abuse disorder
13 diagnosed by a physician.

14 (e) The department shall develop individual and group rates for
15 extensive counseling for outpatient drug free treatment, based on
16 a 50-minute individual or a 90-minute group hour, not to exceed
17 the total rate established for subdivision (d).

18 (f) The department may adopt regulations as necessary to
19 implement subdivisions (a), (b), and (c), or to implement cost
20 containment procedures. These regulations may be adopted as
21 emergency regulations in accordance with Chapter 3.5
22 (commencing with Section 11340) of Part 1 of Division 3 of Title
23 2 of the Government Code. The adoption of these emergency
24 regulations shall be deemed an emergency necessary for the
25 immediate preservation of the public peace, health and safety, or
26 general welfare.