

AMENDED IN ASSEMBLY APRIL 28, 2009

AMENDED IN ASSEMBLY APRIL 16, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 217

Introduced by Assembly Member Beall

February 3, 2009

An act to add Article 5.4 (commencing with Section 14180) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 217, as amended, 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.

This bill would establish the Medi-Cal Alcohol and Drug Screening and Brief Intervention Services Program, which would be administered by the department, in consultation with the State Department of Alcohol and Drug Programs, for the purpose of increasing the state's ability to make available alcohol and drug screening and brief intervention services to Medi-Cal beneficiaries who are pregnant women or women of childbearing age by authorizing a public entity, as defined, to provide or contract for these services for Medi-Cal beneficiaries who are pregnant women or women of childbearing age. The bill would require the department to administer the program in accordance with federal certified public expenditure requirements in certifying that a claimed

expenditure for alcohol and drug screening and brief intervention services is eligible for federal financial participation. This bill would require the nonfederal share of expenditures submitted to the federal Centers for Medicare and Medicaid Services 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 and certified in accordance with federal certified public expenditure requirements. The bill would require the department to promptly seek any necessary federal approvals for the implementation of the program.

The bill would provide that participation in the program would be voluntary for a qualifying Medi-Cal beneficiary. The bill would also require the fact of whether a beneficiary participates in the program, and the results of any screening done under the program, to be maintained in the beneficiary's confidential medical records, as provided.

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, without regard
- 11 to the manner of payment for emergency services: settings.
- 12 ~~(c) Potential incentives and disincentives to the delivery of~~
- 13 ~~alcohol and drug screening and brief intervention services should~~
- 14 ~~be aligned to reduce the risk of discrimination to patients based~~
- 15 ~~on ability to pay and to reduce the risk of distraction of health care~~
- 16 ~~providers by these determinations.~~
- 17 (c) Medi-Cal beneficiaries eligible for alcohol and drug
- 18 screening and brief intervention services should not be
- 19 discriminated against based on their type of coverage.

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

4 SEC. 2. Article 5.4 (commencing with Section 14180) is added
5 to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions
6 Code, to read:

7
8 Article 5.4. Medi-Cal Alcohol and Drug Screening and Brief
9 Intervention Services Program

10
11 14180. This article shall be known and may be cited as the
12 Medi-Cal Alcohol and Drug Screening and Brief Intervention
13 Services Program.

14 14180.1. For purposes of this article, the following definitions
15 shall apply:

16 (a) "Department" means the State Department of Health Care
17 Services.

18 (b) "Public entity" means a county, or other local governmental
19 entity designated by the department, that elects to provide or
20 contract for alcohol and drug screening and brief intervention
21 services for Medi-Cal beneficiaries who are pregnant women or
22 women of childbearing age pursuant to this article.

23 14180.2. (a) The Medi-Cal Alcohol and Drug Screening and
24 Brief Intervention Services Program is hereby established.

25 (b) The department, in consultation with the State Department
26 of Alcohol and Drug Programs, shall administer the program for
27 the purpose of increasing the state's ability to make available
28 alcohol and drug screening and brief intervention services for
29 Medi-Cal beneficiaries who are pregnant women or women of
30 childbearing age.

31 14180.3. (a) The department shall administer this article in
32 accordance with the certified public expenditure requirements
33 described in Section 433.51 of Title 42 of the Code of Federal
34 Regulations, or any successor thereto, in certifying that the claimed
35 expenditures for alcohol and drug screening and brief intervention
36 services for Medi-Cal beneficiaries who are pregnant women or
37 women of childbearing age are eligible for federal financial
38 participation. The department shall do all of the following in
39 accordance with administering this provision:

1 (1) Provide evidence supporting the certification, as specified
2 by the department.

3 (2) Submit data, as specified by the department, to determine
4 the appropriate amounts to claim as expenditures qualifying for
5 federal financial participation.

6 (3) Keep, maintain, and have readily retrievable, any records
7 specified by the department to fully disclose reimbursement
8 amounts to which the eligible public entity is entitled, and any
9 other records required by the federal Centers for Medicare and
10 Medicaid Services.

11 (b) The nonfederal share of expenditures submitted to the federal
12 Centers for Medicare and Medicaid Services for purposes of
13 claiming federal financial participation shall be comprised of only
14 those funds that are paid by a public entity, as defined in
15 subdivision (b) of Section 14180.1, and certified in accordance
16 with subdivision (a).

17 (c) In administering this article, the department shall do all of
18 the following:

19 (1) Promptly seek any necessary federal approvals for the
20 implementation of this article.

21 (2) Submit claims for federal financial participation for the
22 expenditures for the services described in subdivision (a) that are
23 allowable expenditures under federal law.

24 (3) Submit, on an annual basis, any necessary materials to the
25 federal government to provide assurances that claims for federal
26 financial participation will include only those expenditures that
27 are allowable under federal law.

28 (4) Create an appropriate mechanism to enable a public entity
29 to pay the nonfederal share of the cost of providing services
30 pursuant to this article.

31 (d) Upon receipt of federal reimbursement for the claim,
32 including federal matching funds, the department shall provide
33 the reimbursement to the public entity for which the claim was
34 submitted.

35 (e) The department may implement, interpret, and make specific
36 this article by means of all county letters, provider bulletins, and
37 similar instructions.

38 (f) Participation in the screening and intervention program
39 established pursuant to this article shall be voluntary for a Medi-Cal
40 beneficiary. Participation in the program, and results of the

1 screening, shall be maintained in the beneficiary's confidential
2 medical records, and subject to all confidentiality requirements
3 applicable to medical records.

4 *(g) It is the intent of the Legislature, in enacting this section, to*
5 *provide the alcohol and drug screening and brief intervention*
6 *services to Medi-Cal beneficiaries who are pregnant or who are*
7 *women of childbearing age without the expenditure of moneys*
8 *from the General Fund.*

9 *(h) A public entity shall, as a condition of receiving federal*
10 *financial participation for certified public expenditures made for*
11 *alcohol and drug screening and brief intervention service for*
12 *Medi-Cal beneficiaries who are pregnant or who are women of*
13 *childbearing age, enter into, and abide by, an agreement with the*
14 *department regarding the implementation of this section and*
15 *reimbursement to the department for the department's costs for*
16 *administering this section.*

17 14180.4. This article shall be implemented only if, and to the
18 extent that, federal funds are available for this purpose.