

AMENDED IN SENATE JULY 14, 2011

AMENDED IN ASSEMBLY APRIL 7, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 540

Introduced by Assembly Member Beall
(Coauthor: Senator Alquist)

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 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. 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:

1 Article 5.5. Medi-Cal Alcohol and Drug Screening and Brief
2 Intervention Services Program
3

4 14184. This article shall be known, and may be cited, as the
5 Medi-Cal Alcohol and Drug Screening and Brief Intervention
6 Services Program.

7 14184.1. For purposes of this article, the following definitions
8 shall apply:

9 (a) "Department" means the State Department of Health Care
10 Services.

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

16 14184.2. (a) The Medi-Cal Alcohol and Drug Screening and
17 Brief Intervention Services Program is hereby established.

18 (b) The department, in consultation with the State Department
19 of Alcohol and Drug Programs, shall, pursuant to this article,
20 provide reimbursement under the Medi-Cal program for alcohol
21 and drug screening and brief intervention services provided to
22 Medi-Cal beneficiaries who are pregnant women or women of
23 childbearing age.

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

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

29 (2) Submit claims for federal financial participation for the
30 expenditures for the services described in subdivision (b) that are
31 allowable expenditures under federal law.

32 (3) Establish standards, billing codes, and reimbursement rates
33 for the services described in subdivision (b) that are consistent
34 with Title XIX of the federal Social Security Act (42 U.S.C. Sec.
35 1396 et seq.). The screening and brief intervention model used
36 pursuant to this program shall be the most medically appropriate
37 and within current standards of practice.

38 (d) The nonfederal share of expenditures submitted to the federal
39 Centers for Medicare and Medicaid Services (*CMS*) for purposes
40 of claiming federal financial participation shall be comprised of

1 only those funds that are paid by a public entity, as defined in
2 subdivision (b) of Section 14184.1.

3 (e) The department shall seek all necessary federal approvals
4 in order to implement this article, including any amendments to
5 the state plan. To the extent that any element or requirement of
6 this article is not approved, the department shall submit a request
7 ~~to the federal Centers for Medicare and Medicaid Services CMS~~
8 for any waivers that would be necessary to implement this article.

9 (f) Upon receipt of federal reimbursement for the claim,
10 including federal matching funds, the department shall provide
11 the reimbursement to the public entity for which the claim was
12 submitted.

13 (g) Notwithstanding Chapter 3.5 (commencing with Section
14 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
15 the department may implement, interpret, and make specific this
16 article by means of all-county letters, provider bulletins, and similar
17 instructions.

18 (h) Participation in the screening and intervention program
19 established pursuant to this article shall be voluntary for a Medi-Cal
20 beneficiary. Participation in the program, and results of the
21 screening, shall be maintained in the beneficiary's confidential
22 medical records and shall be subject to all confidentiality
23 requirements applicable to medical records.

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

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

34 (k) A public entity shall, as a condition of receiving federal
35 financial participation for certified public expenditures made for
36 alcohol and drug screening and brief intervention services for a
37 Medi-Cal beneficiary who is pregnant or who is a woman of
38 childbearing age, enter into, and abide by, an agreement with the
39 department regarding the implementation of this section and

- 1 reimbursement to the department for the department's costs for
- 2 administering this section.
- 3 14184.3. This article shall be implemented only if, and to the
- 4 extent that, federal funds are available for this purpose.

O