

Introduced by Senator Limón
(Principal coauthor: Assembly Member Gray)

February 1, 2021

An act to amend Section 14683 of, and to add Section 14682.2 to, the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 293, as introduced, Limón. Medi-Cal specialty mental health 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, including specialty mental health services, and Early and Periodic Screening, Diagnostic, and Treatment services for an individual under 21 years of age. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Under existing law, one of the methods by which Medi-Cal services are provided is pursuant to contracts with various types of managed care health plans, including mental health plans that provide specialty mental health services. Existing law requires the department to ensure that Medi-Cal managed care contracts include a process for screening, referral, and coordination with mental health plans of specialty mental health services, to convene a steering committee to provide advice on the transition and continuing development of the Medi-Cal mental health managed care systems, and to ensure that the mental health plans comply with various standards, including maintaining a system of outreach to enable Medi-Cal beneficiaries and providers to participate in and access Medi-Cal specialty mental health services under the mental health plans.

This bill would require, on or before January 1, 2023, the department, in consultation with specified groups, including representatives from the County Welfare Directors Association of California, to identify all forms currently used by each county mental health plan contractor for purposes of determining eligibility and reimbursement for specialty mental health services provided under the Early and Periodic Screening, Diagnostic, and Treatment Program, and to develop standard forms for the intake of, assessment of, and the treatment planning for, Medi-Cal beneficiaries who are eligible for those services to be used by all counties. The bill would authorize the department to develop and maintain a list of department-approved nonstandard forms, and would require the department to conduct, on or before July 1, 2023, regional trainings for county mental health plan personnel and their provider networks on proper completion of the standard forms. The bill would require each county mental health plan contractor to distribute the training material and standard forms to their provider networks, and to commence, by July 1, 2023, exclusively using the standard forms, unless they use department-approved nonstandard forms.

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. (a) The Legislature finds and declares all of the
2 following:
3 (1) Specialty mental health providers that contract with county
4 mental health plans to provide services to children and adolescents
5 under the Early and Periodic Screening, Diagnostic, and Treatment
6 Program report that completing paperwork required by counties
7 to determine eligibility and reimbursement for these Medi-Cal
8 beneficiaries frequently consumes 40 to 50 percent of their time,
9 the paperwork requires many hours of training to properly
10 complete, and this administrative task is a major driver of provider
11 burnout and attrition.
12 (2) Moreover, the paperwork required by each county varies
13 significantly, which means individuals who are employed at
14 children's hospitals and community-based organizations that serve
15 children from multiple counties must navigate many different sets
16 of forms, and they spend even more time being trained to properly
17 complete the paperwork.

1 (3) The result is that providers have less time to serve children
2 with mental health issues, and these children are more likely to
3 need crisis services or hospital emergency care because other
4 community-based interventions are unavailable.

5 (4) California is suffering from a mental health provider
6 shortage, particularly for pediatric providers, and the state cannot
7 afford to have its providers spend half of their time completing
8 forms instead of providing clinical services to children.

9 (b) Therefore, it is the intent of the Legislature to dramatically
10 reduce and standardize the paperwork burden for providers of
11 county specialty mental health services under the Early and
12 Periodic Screening, Diagnostic, and Treatment Program to
13 encourage providers to serve more children in the Medi-Cal
14 program, to ensure eligibility and reimbursement determinations
15 are made consistently across all counties, to provide clear guidance
16 to counties and providers of these services about requirements
17 imposed in federal law, and to minimize the risk of negative audit
18 findings and retroactive disallowances that threaten county budgets.

19 SEC. 2. Section 14682.2 is added to the Welfare and
20 Institutions Code, to read:

21 14682.2. (a) (1) On or before January 1, 2023, the department
22 shall identify all forms currently used by each county mental health
23 plan contractor for purposes of determining eligibility and
24 reimbursement for specialty mental health services provided under
25 the Early and Periodic Screening, Diagnostic, and Treatment
26 Program, and develop standard forms to be used by all counties,
27 in consultation with representatives from all of the following:

28 (A) The County Behavioral Health Directors Association of
29 California.

30 (B) The County Counsels' Association of California.

31 (C) The County Welfare Directors Association of California.

32 (D) Behavioral health programs in at least one small, medium,
33 and large county.

34 (E) Associations that represent children's hospitals, foster youth,
35 parents and caregivers, community-based children's mental health
36 providers, and children's health legal advocates.

37 (2) The standard forms shall include, at a minimum, forms for
38 the intake of, assessment of, and the treatment planning for,
39 Medi-Cal beneficiaries who are eligible for those services. The
40 standard forms shall be used by all county mental health plan

1 contractors, and providers who render services under those
 2 contracts, when serving eligible Medi-Cal beneficiaries.

3 (3) The department may develop and maintain a list of
 4 department-approved nonstandard forms. Forms on the nonstandard
 5 forms list may be used by county mental health plan contractors,
 6 in addition to the standard forms described in paragraph (2), to
 7 determine eligibility and reimbursement for specialty mental health
 8 services provided under the Early and Periodic Screening,
 9 Diagnostic, and Treatment Program. The department shall post
 10 this list on its internet website and update the list at least once
 11 annually.

12 (4) The department shall ensure that all forms developed
 13 pursuant to this section comply with the federal Medicaid program
 14 law and regulations and applicable state and federal privacy laws
 15 that govern medical information, including the Confidentiality of
 16 Medical Information Act (Part 2.6 (commencing with Section 56)
 17 of Division 1 of the Civil Code) and the federal Health Insurance
 18 Portability and Accountability Act of 1996.

19 (b) (1) On or before July 1, 2023, the department shall conduct
 20 regional trainings for county mental health plan personnel and
 21 their provider networks on proper completion of the standard forms,
 22 as described in paragraph (2) of subdivision (a), to ensure that
 23 individuals receive adequate training to appropriately complete
 24 these forms.

25 (2) (A) Training material developed pursuant to paragraph (1)
 26 shall be made available to county mental health plan contractors,
 27 as determined appropriate by the department, for use in local
 28 trainings.

29 (B) Each county mental health plan contractor shall distribute
 30 the training material, as specified in paragraph (1), and standard
 31 forms, as described in paragraph (2) of subdivision (a), to their
 32 provider networks.

33 SEC. 3. Section 14683 of the Welfare and Institutions Code is
 34 amended to read:

35 14683. The department shall ensure all of the following:

36 (a) ~~That mental health plans include~~ *A mental health plan*
 37 *includes* a process for screening, referral, and coordination with
 38 other necessary services, including, but not limited to, health,
 39 housing, and vocational rehabilitation services. For Medi-Cal
 40 eligible children, ~~the a mental health plans plan~~ *plan* shall also provide

1 coordination with education programs and any necessary medical
2 or rehabilitative services, including, but not limited to, those
3 provided under the California Children’s Services Program (Article
4 5 (commencing with Section 123800) of Chapter 3 of Part 2 of
5 Division 106 of the Health and Safety Code) and the Child Health
6 and Disability Prevention Program (Article 6 (commencing with
7 Section 124025) of Chapter 3 of Part 2 of Division 106 of the
8 Health and Safety Code), and those provided by a fee-for-service
9 provider or a Medi-Cal managed care plan. This subdivision ~~shall~~
10 ~~not be construed to~~ *does not* establish any higher level of service
11 from a county than is required under existing law. ~~The A~~ mental
12 health plan shall not be liable for the failure of other agencies
13 responsible for the provision of nonmental health services to
14 provide those services or to participate in coordination efforts.

15 (b) ~~That mental health plans include~~ *A mental health plan*
16 *includes* a system of outreach to enable Medi-Cal beneficiaries
17 and providers to participate in and access Medi-Cal specialty
18 mental health services under the ~~plans~~, *plan*, consistent with
19 existing law.

20 (c) ~~That standards~~ *Standards* for quality and access developed
21 by the ~~department~~ *department*, in consultation with the steering
22 committee established pursuant to Section ~~14682.1~~ *14681.1*, are
23 included in *each* mental health ~~plans~~ *plan* serving Medi-Cal
24 beneficiaries.

25 (d) (1) *A mental health plan and a provider network of that*
26 *plan shall utilize the standard forms developed by the department,*
27 *as described in paragraph (2) of subdivision (a) of Section 14682.2,*
28 *for performing the intake of, assessment of, and treatment planning*
29 *for, Medi-Cal beneficiaries who are eligible for specialty mental*
30 *health services under the Early and Periodic Screening,*
31 *Diagnostic, and Treatment Program.*

32 (2) *No later than July 1, 2023, each mental health plan shall*
33 *commence using the standard forms described in paragraph (1).*
34 *After July 1, 2023, a mental health plan shall not use any other*
35 *forms related to intake, assessment, treatment planning, eligibility*
36 *determination, or reimbursement for specialty mental health*
37 *services provided under the Early and Periodic Screening,*

- 1 *Diagnostic, and Treatment Program, except as specified in*
- 2 *paragraph (3) of subdivision (a) of Section 14682.2.*

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