



# County of Fresno

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Fresno, California  
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## Legislation Text

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**File #:** 18-0543, **Version:** 1

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**DATE:** May 8, 2018

**TO:** Board of Supervisors

**SUBMITTED BY:** David Pomaville, Director, Department of Public Health

**SUBJECT:** FY 2018-19 Medi-Cal County Inmate Program

### RECOMMENDED ACTION(S):

**Approve and authorize the Chairman to execute an Agreement with California Department of Health Care Services for the Medi-Cal County Inmate Program for FY 2018-19, effective July 1, 2018 through June 30, 2019 (\$2,306,842).**

Approval of the recommended action will allow medical providers to seek reimbursement from the California Department of Health Care Services (DHCS) Medi-Cal County Inmate Program (MCIP) for covered inpatient hospital services (covered services) rendered to eligible County adult inmates and juvenile wards (eligible inmates) from July 1, 2018 through June 30, 2019 for FY 2018-19. The agreement must be entered into annually in order to allow providers to seek reimbursement for MCIP services to eligible inmates, with no increase in Net County Cost. This item is countywide.

### ALTERNATIVE ACTION(S):

Should your Board not approve the recommended action, providers would not be reimbursed by DHCS for covered services provided to eligible inmates who are incarcerated at Fresno County Detention Facilities and the Juvenile Justice Campus. Furthermore, the County would retain responsibility for payment to providers for these services.

### FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The maximum compensation is \$2,306,842. DHCS will charge the County an annual administrative fee of \$6,842, which is based on a methodology specified in the proposed agreement. DHCS will charge the County for the non-federal portion of the Medi-Cal fee-for-service reimbursed to medical providers not to exceed \$2,300,000. Sufficient appropriations and estimated revenues will be included in the Department of Public Health's Org 5620 FY 2018-19 budget request.

### DISCUSSION:

Federal law generally prohibits claiming Medicaid funds to reimburse for health care services provided to inmates residing in correctional facilities. However, this prohibition does not apply to inpatient hospital services, including inpatient psychiatric services and physician services provided to an eligible inmate at a medical facility that is located off the grounds of the correctional facility and when the inpatient hospitalization is expected to be for at least 24 hours. Assembly Bill 1628 (Chapter 729, Statutes of 2010) and Assembly Bill 396 (Chapter 394, Statutes of 2011) authorized DHCS and counties to claim Federal Financial Participation (FFP) for medical and psychiatric inpatient hospital services provided to County Medi-Cal eligible inmates housed in county correctional facilities. On April 3, 2018, your Board approved Agreement Nos. 18-169 and

18-170 with California Forensic Medical Group, Inc., which provides for participation in MCIP for inpatient hospitalization services.

In order for providers to be able to send claims directly to DHCS for MCIP services from July 1, 2018 through June 30, 2019 provided to eligible inmates, the County must enter into the MCIP Agreement with DHCS on an annual basis. The agreement sets forth the terms that the County must abide by in order to participate in MCIP, including that DHCS will reimburse providers at the applicable Medi-Cal rate for the services rendered to the extent FFP is available.

As part of the MCIP Agreement, on December 6, 2017, the Department submitted to DHCS the MCIP Participation Form for FY 2018-19, included as Attachment A. The form allowed DHCS to determine the County's administrative costs, which have been included in the recommended agreement. The County shall retain financial responsibility for inpatient hospital services provided to inmates and wards who are not eligible for MCIP. Generally, these are inmates and wards who have not been suspended by the Social Security Administration's Medicare or Supplemental Security Income (SSI) programs, who are receiving pensions, or have a source of income that is above the allowable Medi-Cal limit.

The recommended agreement contains language stating that the County agrees to indemnify DHCS and although it does not contain the standard County indemnification language and insurance requirements, given the nature of this agreement, County Risk Management has approved of the agreement as being in the County's best interest. The recommended agreement allows DHCS' ability to draw Federal funds for allowable services, which in turn allows the County to realize a savings for costs that would have otherwise been incurred. The recommended agreement may be terminated without cause by either party upon 30-day written notice.

REFERENCE MATERIAL:

BAI #26, February 7, 2017  
BAI #36.1, December 6, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - FY 2018-19 Participation Form  
On file with Clerk - FY 2018-19 MCIP Agreement

CAO ANALYST:

Sonia M. De La Rosa