



March 16, 2023

To: Tribal Chairpersons, Designees of Indian Health Programs, and Urban Indian Organizations

Subject: Notice of Intent to Submit Section 1115 Demonstration Application to Enhance Capacity and Access to Sexual and Reproductive Health Services

The purpose of this letter is to provide information regarding a proposed change to the Department of Health Care Services' (DHCS) Medi-Cal program that will be submitted to the Centers for Medicare & Medicaid Services (CMS). DHCS is forwarding this information for your review and comment.

DHCS is required to seek advice from designees of Indian Health Programs and Urban Indian Organizations on Medi-Cal matters having a direct effect on American Indians, Indian Health Programs or Urban Indian Organizations per the American Recovery and Reinvestment Act of 2009 (ARRA). DHCS must solicit the advice of designees prior to submission to CMS of any State Plan Amendments (SPAs), waiver requests or amendments, or proposals for demonstration projects in the Medi-Cal program.

Please see the enclosed summary for a detailed description of this DHCS proposal.

QUESTIONS AND COMMENTS

Tribes and Indian Health Programs may also submit written comments or questions concerning this proposal within 30 days from receipt of notice. To be assured consideration prior to submission to CMS, comments must be received no later than 11:59 PM (Pacific Time) on Monday, April 17, 2023. Please note that comments will continue to be accepted after Monday, April 17, 2023, but DHCS may not be able to consider those comments prior to the initial submission of the California's Reproductive Health Access Demonstration Section 1115 application to CMS. Comments may be sent by email to 1115waiver@dhcs.ca.gov or by mail to the address below:

Contact Information

Department of Health Care Services
Director's Office
Attn: Jacey Cooper and René Mollow
P.O. Box 997413, MS 0000
Sacramento, California 95899-7413

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and Urban Indian Organizations
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Please also note that DHCS will host a webinar for Tribes and Designees of Indian Health Programs on March 20, 2023 to discuss the proposal. [Registration](#) and call-in information are listed at the end of this document.

Sincerely,

Original signed by

Andrea Zubiante, Acting Chief
Office of Tribal Affairs
Department of Health Care Services

Enclosure



**Department of Health Care Services (DHCS)
Tribal and Designees of Indian Health Programs Notice**

PURPOSE

To provide notice of DHCS' intent to (1) submit a Section 1115 demonstration request to the federal Centers for Medicare & Medicaid Services (CMS), titled California's Reproductive Health Access Demonstration (CalRHAD); and (2) to request feedback on the Section 1115 demonstration proposal described in this notice.

BACKGROUND

California is seeking a new Medicaid demonstration project under Section 1115 of the Social Security Act to strengthen the State's reproductive health provider safety net, with an emphasis on ensuring access to sexual and reproductive health services as well as the services and supports to access these services by addressing health-related social needs (HRSNs).

Through this demonstration, CalRHAD, DHCS is requesting expenditure authority under Section 1115(a)(2) to provide grants to reproductive health providers for enhancing capacity and access to sexual and reproductive health services and promoting the sustainability of California's reproductive health provider safety net, for the benefit of individuals enrolled in Medi-Cal and other individuals who currently face barriers to access.

California has a strong legacy of protecting bodily autonomy and reproductive choice, including through recent legislative [actions](#) to increase access to sexual and reproductive health services and providers, strengthen patient privacy protections, and protect people who are seeking legal abortions in California. Through this demonstration proposal, California proposes to create a new CalRHAD grant program for providers to enhance capacity and access for sexual and reproductive health services, including family planning, for individuals enrolled in Medi-Cal, as well as other individuals who may need assistance to access such services. Providers that receive CalRHAD grants would *not* be permitted to use the funds for abortions. California currently covers abortions for individuals enrolled in Medi-Cal and others using State funds, without federal Medicaid matching funds.

PROGRAM DESCRIPTION, GOALS, AND OBJECTIVES

As noted above, DHCS seeks to bolster California's sexual and reproductive health delivery system to support equitable access to comprehensive sexual and reproductive health services. Through this demonstration, California seeks to promote the following objectives:

- **Support access to whole-person sexual and reproductive health services for individuals enrolled in Medi-Cal, as well as other individuals who may face barriers to access.** Specifically, this demonstration would provide grants to sexual and reproductive health providers aimed at *enhancing access* to services that qualify for federal Medicaid funding when offered to individuals enrolled in

Medicaid. The grants would not be used to reimburse the direct provision of services; however, the grants would help increase access to services such as family planning services, family-planning-related services, and integrated primary care and behavioral health services offered by reproductive health providers. Although California supports the ability for individuals who are pregnant to terminate their pregnancy, abortions *would not* be included nor reimbursed within the scope of this demonstration. California will maintain its current approach of covering abortions for individuals enrolled in Medi-Cal and others using State-only funds.

- **Support the capacity and sustainability of California’s sexual and reproductive health provider safety net.** California’s sexual and reproductive health providers face ongoing financial recovery, workforce, and stabilization challenges, which limits their ability to maintain and expand their capacity. The State also seeks to support community-based organizations (CBOs) that help individuals connect with health care services and health-related services and supports, alleviating administrative and cost burden on reproductive health providers. Through the demonstration, DHCS would provide grants to sexual and reproductive health providers to support partnerships with CBOs to build capacity and sustain access to services to address HRSNs.
- **Promote system transformation for California’s sexual and reproductive health safety net.** The State seeks to promote integrated models for the delivery of reproductive, primary, and behavioral health services and mitigate access barriers arising out of the social drivers of health. Through the demonstration, DHCS would provide grants to sexual and reproductive health providers to enhance availability of services in an integrated setting and capacity for patient supports to access services such as transportation, childcare, and logistical assistance arranging these and other supports.

Overall, the demonstration would promote the objectives of the Medicaid program by helping to assure access to sexual and reproductive services covered by Medi-Cal and bolstering the sustainability and capacity of the providers who offer these critical services. The State would comply with applicable federal laws.

DEMONSTRATION APPROACH

The State is requesting expenditure authority for \$200 million (total computable) over a three-year demonstration term to advance the goals described above. The State is seeking the expenditure authority following approval of California’s 2023-24 Annual Budget. With these funds, DHCS will issue grants to sexual and reproductive health providers to support transitional non-service expenditures (e.g., equipment, technology investments) and investments to strengthen the accessibility, capacity, and sustainability of California’s sexual and reproductive health safety net. As noted above, CalRHAD funding *may not* be used for provision of any services, including abortions. California is not requesting any waivers in connection with this demonstration.

California is requesting \$85 million in DSHP funding overall, with the State contributing \$15 million in new State general fund dollars. DSHP expenditures under this demonstration will not affect other DSHP funds authorized or requested under the CalAIM demonstration or any other DHCS waivers or demonstration projects. California will work with CMS to develop Special Terms and Conditions (STCs) and DSHP funding and reimbursement protocols for the demonstration period to reflect the demonstration's goals and funding levels.

IMPACT TO TRIBAL HEALTH PROGRAMS

Through this demonstration Tribal health programs would be eligible to receive grant dollars to support access, capacity, and sustainability for California's sexual and reproductive health safety net, as described above. DHCS would provide grants to Tribal health programs to support partnerships with CBOs to build capacity and sustain access to services to address HRSNs. The grants may not be used for provision of any services, including abortions.

DHCS is not proposing changes to Tribal health program services, eligibility, or any other related requirement authorized by this demonstration authority or the Medi-Cal State Plan.

IMPACT TO FEDERALLY QUALIFIED HEALTH CENTERS (FQHCs)

Through this demonstration, FQHCs will be eligible to receive grant dollars to support access, capacity, and sustainability for California's sexual and reproductive health safety net, as described above. DHCS would provide grants to FQHCs to support partnerships with CBOs to build capacity and sustain access to services to address HRSNs. The grants may not be used for provision of any services, including abortions.

DHCS is not proposing changes to FQHC services, rates, eligibility, or any other related requirement authorized by this demonstration authority or the Medi-Cal State Plan.

IMPACT TO INDIAN MEDI-CAL ENROLLEES

Through this demonstration, DHCS seeks to support access to whole-person family planning and related services for individuals enrolled in Medi-Cal, including American Indians and Alaskan Natives, as well as other individuals who may face barriers to access. The grants would not be used for the direct provision of services; however, the grants would help increase access to services such as family planning services, family planning-related services, and integrated primary care and behavioral health services.

RESPONSE DATE

Tribes and Indian Health Programs may also submit written comments or questions concerning this proposal within 30 days from the receipt of notice. To be assured consideration prior to submission to CMS, comments must be received no later than 11:59 PM (Pacific Time) on Monday, April 17, 2023. Please note that comments will continue to be accepted after April 17, 2023, but DHCS may not be able to consider those comments prior to the initial submission of the CalRHAD Section 1115 application to CMS.

Comments may be sent by email to 1115waiver@dhcs.ca.gov or by mail to the address below.

DHCS will host the following webinar to solicit Tribal and Indian Health Program stakeholder comments. The webinar will be held electronically to mitigate the spread of COVID-19 and maximize opportunities for participation. The meeting will have online video streaming and telephonic conference capabilities to ensure accessibility.

- Monday, March 20, 2023 – Tribal and Designees of Indian Health Programs Webinar for CalRHAD Section 1115 Application
 - 9:00 – 10:00 AM PT
 - Register for Webex conference:
<https://dhcs.webex.com/weblink/register/r7f29502251199bcd3e13106f6a9155e8>
 - Please register in advance to receive your unique login details and link to add to calendar
 - Call-in information
 - Phone Number: 1.415.655.0001
 - Access Code: 2591 202 2525
 - Callers do not need an email address to use the phone option and do not need to register in advance

CONTACT INFORMATION

If Tribes and Indian Health Programs would like to view the CalRHAD Section 1115 application or notices in person, then they may visit their local county welfare department (addresses and contact information available at: <https://www.dhcs.ca.gov/services/medi-cal/Pages/CountyOffices.aspx>). Tribes and Indian Health Programs may also request a copy of the proposed CalRHAD Section 1115 application, notices, and/or a copy of submitted public comments, once available, related to the CalRHAD Section 1115 application by requesting it in writing to the mailing address listed below or email address listed above.

Written comments on the CalRHAD Section 1115 application may be sent to the following address; please indicate “CalRHAD Section 1115 Application” in the written message:

Department of Health Care Services
Director’s Office
Attn: Jacey Cooper and René Mollow
P.O. Box 997413, MS 0000
Sacramento, California 95899-7413