

(1) Amend Section 51543 to read:

§ 51543. Out-of-State Hospital Inpatient Services Reimbursement.

(a) ~~Out-of-state inpatient-hospital~~ inpatient services which have been certified for payment at the acute level and which are either of an emergency nature or for which prior Medi-Cal authorization has been obtained, shall be reimbursed ~~at an amount not to exceed~~ the current statewide per diem average of contract rates for acute inpatient hospital services ~~negotiated by the California Medical Assistance Commission or the actual billed charges,~~ provided by California hospitals with at least 300 beds or the out-of-state hospital's actual billed charges, whichever is less. The term, "current," as used in this paragraph means the most recent per diem average as of December 1 of the prior calendar year of the contract rates for California hospitals with at least 300 beds that the California Medical Assistance Commission has reported to the Legislature pursuant to Welfare and Institutions Code Section 14165.9. Therefore, the average per diem contract rate in effect on December 1 in a particular calendar year for California contract hospitals with at least 300 beds shall be the maximum rate paid to out-of-state hospitals for dates of service beginning January 1 of the following calendar year.

~~(b) — Hospitals may request an administrative adjustment to the rate within 60 days of notice of payment. The request, which must be in writing, to the Department of Health Services, Hospital Reimbursement Unit, 715 P Street, P.O. Box 942732, Sacramento, CA 94234-7320. The decision on the administrative adjustment shall be final and not subject to further appeal.~~

NOTE: Authority cited: Section 20 Health and Safety Code; and Sections 14105, 14105.15 and 14124.5, Welfare and Institutions Code. Reference: Sections 14086, 14105 and 14105.15, Welfare and Institutions Code; ~~Statutes of 1992, Chapter 722, Section 89.~~ and Chandler Regional Medical Center, et al., v. California Department of Health Services; Diana M. Bonta', et al. and Arizona Burn Center, et al., v. California Department of Health Services; Diana M. Bonta', et al. City and County of San Francisco, Case Nos. CGC-01-324400 and CGS-02-408260.