

Supplemental Information
DHCS-06-012E Quality Assurance Fee (QAF) Program and
the Medi-Cal Long-Term Care (LTC) Reimbursement Act

The Department has prepared supplemental information that describes regulation text changes proposed, as follows:

Redesignations

Subsections are redesignated to accommodate additions to and/or deletions from the existing emergency language. The following sections are affected: 52000, 52502 and 52505.

Section 52000(f)

As a result of collaboration and recommendation from stakeholders and to be consistent with the removal of Section 52507(f) (see explanation for changes to Section 52507(f) below), this definition is removed.

Section 52000(g)

To conform to statutory changes enacted through SB 853 (Chapter 717, Statutes of 2010), specifically the removal of the exemption status of MLRC's (H&S Code Sections 1324.20(c) and 1324.21(a)), this definition is removed.

52000(h)

To conform to statutory changes enacted through SB 853 (Chapter 717, Statutes of 2010), specifically the removal of the exemption status of MLRC's (H&S Code Sections 1324.20(c) and 1324.21(a)), this definition is removed.

Section 52000(i)

In review of a 45-Day public comment pertaining to the clarity and use of this definition it was determined that the definition is not necessary, thus it is removed. Section 52505(a)(4) clearly states how the Department determines the current facility value.

Section 52000(v)

In review of a 45-Day public comment pertaining to the clarity of this definition, an alternative definition has been developed. This new definition more accurately reflects the variables and method used to develop this index, based upon the "Study to Develop Labor Index For Long Term Care Facilities, 2010-11 Rate Study, Report Number 01-10-01 (August 2010).

Section 52000(w)

An amendment is included to make this definition consistent with W&I Code Section 14126.023(a)(5)(B).

Section 52000(x)

An amendment is included to correct a typographical error. The term "and" is replaced with the accurate term "or."

Section 52000(bb)

In review of a public comment pertaining to the clarity of this definition, a more comprehensive and commonly understood definition has been developed. This new definition is based upon consultation between the Department and the professional consulting company, which resulted in the “Capital Supplement Schedule, Frequently Asked Questions, 2008-09,” which is available at <http://www.dhcs.ca.gov/services/medical/Documents/AB1629/2008%2009%20Capital%20Sup%20Sch%20FAQ.pdf>.

Sections 52502(b)(1) – (3) and (c)(2) - (4)

Amendments are based on comments received during the 45-Day Public Comment Period.

Sections 52503 and (a) and (b)

A correction is included adding the word “care” to the phrase “direct and indirect care non-labor costs.” The word “care” was inadvertently omitted. In addition, amendments to subsections (a) and (b) are based on comments received during the 45-Day Public Comment Period.

Sections 52504(a), (b) and (h)(2)

An amendment to subsection (a) is included to make the language consistent with that under Sections 52502 and 52503, as described above. Subsections (b) and (h)(2) are amended based on comments received during the 45-Day Public Comment Period.

Sections 52505

Amendments to this section are based on comments received during the 45-Day Public Comment Period, consideration of further stakeholder input, and to make the language consistent with State Plan Supplement 4 to Attachment 4.19-D.

Sections 52507(a), (d), (e) and (f)

A correction is included adding the word “professional” to the phrase “professional liability insurance costs,” under subsection (a). The word “professional” was inadvertently omitted. In addition, an amendment to subsection (d) is included to make the language consistent with Sections 52503(b) and 52504(b). An amendment to subsection (e) is included to make the language consistent with Sections 52503(c) and 52504(c). Based upon stakeholder input and recommendation and in accordance with the authority under W&I Code Section 14126.027(c), Subsection (f), related to Self Insurance and Captive Insurance is removed.

Section 52516(a) and (d)

Amendments are based on comments received during the 45-Day Public Comment Period, consideration of further stakeholder input, and to make the language consistent with W&I Code Section 14126.023(j).