State of California Office of Administrative Law

In re:

Department of Health Care Services

Regulatory Action:

Title 22, California Code of Regulations

Adopt sections:

Amend sections: 51516.1

Repeal sections:

NOTICE OF APPROVAL OF CERTIFICATE OF COMPLIANCE

Government Code Section 11349.1 and 11349.6(d)

OAL File No. 2014-0204-01 C

This rulemaking by the California Department of Health Care Services (DHCS) makes permanent the amendments to section 51516.1, Title 22, of the California Code of Regulations adopted pursuant to emergency rulemaking OAL File No. 2013-0909-02E. Specifically, this rulemaking action makes permanent the updates to Medi-Cal reimbursement rates for substance abuse (Drug Medi-Cal) services for Fiscal Year 2011-2012 in section 51516.1 of Title 22 of the California Code of Regulations.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

Date: 3/17/2014

Original Signed

Kevin D. Hull Attorney

For:

DEBRA M. CORNEZ

Director

Original: Toby Douglas Copy: Lori Manieri

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STATE OF GALIFORNIA-OFFICE OF ADMINISTRA NOTICE PUBLICATION/ STD. 400 (REV. 01-2013)		ission D	See instruction rever	3	For use by Secretary of State only		
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NOTICE		REC	BULATIONS				
GENCY WITH RULEMAKING AUTHORITY Department of Health Care S	Services				AGENCY FILE NUMBER (IF any) DHCS-12-003E		
. PUBLICATION OF NOTIC	E (Complete for publica	tion in Notice Reg	ister)				
SUBJECT OF NOTICE	TITLI	E(S)	FIRST SECTION AFFE	CTED	2. REQUESTED PUBLICATION DATE		
NOTICE TYPE Notice re Proposed Regulatory Action Othe		PERSON	TELEPHONE NUMBER		FAX NUMBER (Optional)		
ONLY Approved as Submitted	O NOTICE Approved as Modified	Disapproved/ Withdrawn	2013 422		10/18/2013		
. SUBMISSION OF REGUL	ATIONS (Complete when	submitting regul					
a. SUBJECT OF REGULATION(S)			1b. ALL PREVIO	OUS RELATED OA	L REGULATORY ACTION NUMBER(S)		
Drug Medi-Cal Rates (2011	l-2012)	•	2013	-0909	-07E OF 200		
. SPECIFY CALIFORNIA CODE OF REGULATIONS		, if toxics related)			\(\rightarrow\rightar		
SECTION(S) AFFECTED	ADOPT						
(List all section number(s) individually. Attach	AMEND	· · · · · · · · · · · · · · · · · · ·					
dditional sheet if needed.)	51516.1						
TLE(S) 22	REPEAL						
TYPE OF FILING							
Regular Rulemaking (Gov. Code §11346)	Certificate of Compliance: The agreement below certifies that this agency co		Emergency Readopt		Changes Without Regulatory		
Resubmittal of disapproved or withdrawn nonemergency	provisions of Gov. Code §§11346.	.2-11347.3 either	— Code, 911346.1(II))	•	Effect (Cal. Code Regs., title 1, §100)		
filing (Gov. Code §§11349.3,	before the emergency regulation within the time period required b		File & Print		Print Only		
11349.4) Emergency (Gov. Code,	Resubmittal of disapproved or wi		Other (Specify)				
— §11346.1(b)) ALL BEGINNING AND ENDING DATES OF AVAI	emergency filing (Gov. Code, §11		LEMAKING FILE (Cal. Code	Regs. title 1, §44 an	d Gov. Code §11347.1)		
EFFECTIVE DATE OF CHANGES (Gov. Code, §5	11343.4, 11346.1(d); Cal. Code Regs., title 1, §1	100)	11.6.3 (4.9.40.E.H.) 2.994 _{2.2.10}				
Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	Effective on filing with Secretary of State	§100 Changes Withou Regulatory Effect	t Effective other (Specify	y)			
CHECK IF THESE REGULATIONS REQU		TATION, APPROVAL OR COI		HER AGENCY OR			
Department of Finance (Form STD.	399) (SAM §6660)	Fair Political Practic	es Commission		State Fire Marshal		
Other (Specify)							
CONTACT PERSON Lori F. Manieri		EPHONE NUMBER 16) 650-6825	(916) 440-	, ,	E-MAIL ADDRESS (Optional) Iori.manieri@dhcs.ca.gov		
					Office of Administrative Law (OAL) on		
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Toby Douglas, Direct				Offi	ce of Administrative Law		
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§ 51516.1. Reimbursement Rates for Drug Medi-Cal Substance Abuse Program Services.

- (a) Reimbursement for Naltrexone treatment, outpatient drug free treatment, day care rehabilitative, and perinatal residential treatment services shall be based on the lowest of the following:
- (1) The provider's usual and customary charge to the general public for the same or similar services;
- (2) The provider's allowable cost of providing the services, as specified in Section 11848.5 of the Health and Safety Code; or
- (3) The statewide maximum allowances (SMAs) for Fiscal Years 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, and 2011-2012, which ADP shall establish in accordance with Sections 14021.6 and 14021.9(b) of the Welfare and Institutions Code.

The SMAs for the following Drug Medi-Cal substance abuse program services for Fiscal Year 2003-2004 are:

Service Function	Maximum Allowance Non-Perinatal Unit of Service	Maximum Allowance Perinatal Unit of Service
Naltrexone services, per face-to-face visit	\$21.19	N/A
Outpatient drug free treatment services,		
face-to-face individual counseling session,		
per person	\$70.25	\$106.08
Outpatient drug free treatment services,		
face-to-face group counseling session,		
per person	\$32.33	\$53.22
Day care rehabilitative, per face-to-face		
visit	\$67.85	\$74.44
Perinatal residential treatment		
services, per day	N/A	\$76.18

The SMAs for the following Drug Medi-Cal substance abuse program services for Fiscal Year 2004-2005 are:

Service Function	Maximum Allowance Non-Perinatal Unit of Service	Maximum Allowance Perinatal Unit of Service
Naltrexone services, per face-to-face visit	\$21.19	N/A
Outpatient drug free treatment services,		
face-to-face individual counseling session,		
per person	\$63.90	\$106.08
Outpatient drug free treatment services,		
face-to-face group counseling session,		
per person	\$30.60	\$46.97
Day care rehabilitative, per		
face-to-face visit	\$67.93	\$75.99
Perinatal residential treatment		
Services, per day	N/A	\$76.18

The SMAs for the following Drug Medi-Cal substance abuse program services for Fiscal Year 2005-2006 are:

Service Function	Maximum Allowance Non-Perinatal Unit of Service	Maximum Allowance Perinatal Unit of Service
Naltrexone services, per face-to-face visit	\$21.19	N/A
Outpatient drug free treatment services,		
face-to-face individual counseling session,		
per person	\$64.16	\$106.08
Outpatient drug free treatment services,		
face-to-face group counseling session,		
per person	\$30.85	\$48.16
Day care rehabilitative, per		
face-to-face visit	\$67.98	\$77.27
Perinatal residential treatment		
Services, per day	N/A	\$77.46

The SMAs for the following Drug Medi-Cal substance abuse program services for Fiscal Year 2006-2007 are:

Service Function	Maximum Allowance Non-Perinatal Unit of Service	Maximum Allowance Perinatal Unit of Service
Naltrexone services, per face-to-face visit	\$21.19	N/A
Outpatient drug free treatment services,		
face-to-face individual counseling session,		
per person	\$64.16	\$106.08
Outpatient drug free treatment services,		
face-to-face group counseling session,		
per person	\$30.85	\$48.16
Day care rehabilitative, per		
face-to-face visit	\$67.98	\$77.27
Perinatal residential treatment		
Services, per day	N/A	\$77.46

The SMAs for the following Drug Medi-Cal substance abuse program services for Fiscal Year 2007-2008 are:

Service Function	Maximum Allowance Non-Perinatal Unit of Service	Maximum Allowance Perinatal Unit of Service
Naltrexone services, per face-to-face visit	\$21.19	N/A
Outpatient drug free treatment services,		
face-to-face individual counseling session,		
per person	\$74.79	\$106.08
Outpatient drug free treatment services,		
face-to-face group counseling session,		
per person	\$31.56	\$63.62
Day care rehabilitative, per		
face-to-face visit	\$67.55	\$79.92
Perinatal residential treatment		
Services, per day	N/A	\$96.81

The SMAs for the following Drug Medi-Cal substance abuse program services for Fiscal Year 2008-2009 are:

Service Function	Maximum Allowance Non-Perinatal Unit of Service	Maximum Allowance Perinatal Unit of Service
Naltrexone services, per face-to-face visit	\$21.19	N/A
Outpatient drug free treatment services,		
face-to-face individual counseling		
session, per person	\$74.99	\$106.08
Outpatient drug free treatment services,		
face-to-face group counseling session,		
per person	\$31.45	\$63.62
Day care rehabilitative, per		
face-to-face visit	\$67.96	\$82.90
Perinatal residential treatment		
Services, per day	N/A	\$95.21

The SMAs for the following Drug Medi-Cal substance abuse program services for Fiscal Year 2009-2010 are:

Service Function	Maximum Allowance Non-Perinatal Unit of Service	Maximum Allowance Perinatal Unit of Service
Service i unction	Omit of Service	om or service
Naltrexone services, per face-to-face visit	\$19.07	N/A
Outpatient drug free treatment services,		
face-to-face individual counseling session,		
per person	\$66.53	\$95.23
Outpatient drug free treatment services,		
face-to-face group counseling session,		
per person	\$28.27	\$57.26
Day care rehabilitative, per		
face-to-face visit	\$61.05	\$73.04
Perinatal residential treatment		
Services, per day	N/A	\$89.90

The SMAs for the following Drug Medi-Cal substance abuse program services for Fiscal Year 2010-2011 are:

Service Function	Maximum Allowance Non-Perinatal Unit of Service	Maximum Allowance Perinatal Unit of Service
Naltrexone services, per face-to-face visit	\$19.07	N/A
Outpatient drug free treatment services,		
face-to-face individual counseling session,		
per person	\$67.53	\$96.66
Outpatient drug free treatment services,		
face-to-face group counseling session,		
per person	\$28.69	\$55.95
Day care rehabilitative, per		
face-to-face visit	\$61.97	\$74.14
Perinatal residential treatment		
Services, per day	N/A	\$91.25

The SMAs for the following Drug Medi-Cal substance abuse program services for Fiscal Year 2011-2012 are:

Service Function	Maximum Allowance Non-Perinatal Unit of Service	Maximum Allowance Perinatal Unit of Service
Naltrexone services, per face-to-face visit	\$19.07	N/A
Outpatient drug free treatment services,		
face-to-face individual counseling session,		
per person	\$69.59	\$99.61
Outpatient drug free treatment services,		
face-to-face group counseling session,		
per person	\$29.57	\$53.80
Day care rehabilitative, per		
face-to-face visit	\$63.86	\$76.40
Perinatal residential treatment		
Services, per day	N/A	\$92.45

- (A) The SMA for counseling sessions for outpatient drug free treatment services shall be prorated annually as follows:
- 1. The SMA for an individual counseling session shall be prorated annually using the percentage computed by dividing the total actual time for all counseling sessions by the total time which would have been spent if all counseling sessions were 50 minutes in duration. This percentage (not to exceed 100 percent) shall be applied to the SMA to determine the maximum reimbursement rate.

For example: Total Session Time / (50 minutes x Number of Sessions) x SMA = Prorated SMA.

2. The SMA for a group counseling session shall be prorated annually using the percentage computed by dividing the total actual time for all counseling sessions by the total time which would have been spent if all counseling sessions were 90 minutes in duration. This percentage (not to exceed 100 percent) shall be applied to the SMA per person to determine the maximum reimbursement rate.

For example: Total Session Time / (90 minutes x Number of Sessions) x SMA = Prorated SMA.

- 3. To qualify as a group counseling session there shall be at least one Medi-Cal beneficiary in a group of no less than four and no more than ten individuals.
- (b) Reimbursement for narcotic treatment program services shall be limited to the lower of the following:
 - (1) A uniform statewide reimbursement (USR) rate; or
- (2) The provider's usual and customary charge to the general public for the same or similar service.

- (c) The USR rate for narcotic treatment program services shall be based on the following:
- (1) A per capita rate for each beneficiary receiving narcotic replacement therapy dosing, core, and lab work services:
- (A) The narcotic replacement therapy dosing fee for methadone or LAAM shall include ingredient costs for an average daily dose of methadone or an average dose of LAAM dispensed to Medi-Cal beneficiaries;
- (B) Where available, core and lab work services shall be based on and not exceed, for individual services or in the aggregate, outpatient rates for the same or similar service under the Medi-Cal fee-for-service program.
- (d) The USR rate for narcotic treatment program services shall be prorated to a daily rate per beneficiary if the beneficiary receives less than a full month of services.

 The daily rate shall be based on:
 - (1) The annual rate per beneficiary; and
 - (2) A 365-day year.
- (e) Reimbursement for narcotic treatment program services shall not be provided for services not rendered to or received by a beneficiary.
- (f) For narcotic treatment program services, the USR rate shall consist of the following service components:
 - (1) Core; laboratory work; and dosing which are described below:
- (A) Core consists of a physical exam, a test/analysis for drug determination, intake assessment, initial treatment plan, and physician supervision.

- (B) Laboratory work consists of a tuberculin skin test, a serological test for syphilis, drug screening (urinalysis), and pregnancy tests for female LAAM beneficiaries.
 - (C) Dosing consists of an ingredient and dosing fee.
 - (2) Counseling services.

(g) For narcotic treatment program services, the Fiscal Year 2003-2004 USR rate for each service component shall be as follows:

Fiscal Year 2003-2004 Rates for USR Components by Type of Medication with Administrative Costs Shown in Parentheses

Narcotic Treatment Service Components		adone erinatal	Methadone Perinatal		LAAM Non-Perinatal	
	Daily	Monthly	Daily	Monthly	Dose	Monthly
Core,	\$9.58		\$10.76		\$22.61	
Laboratory Work,	(\$0.88)	\$291.39	(\$0.98)	\$327.28	(\$2.07)	\$293.93
and Dosing						
Narcotic Treatment	Na	Narcotic Treatment Counseling is delivered in 10 minute increments				
Counseling						
Individual	14	14.05		1.22	\$14	4.05
	(\$1	.29)	(\$1.94)		(\$1.29)	
Group	\$3	.59	\$5.91		\$3	3.59
	(\$0	.33)	(\$0.54)		(\$0	0.33)

For narcotic treatment program services, the Fiscal Year 2004-2005 USR rate for each service component shall be as follows:

Fiscal Year 2004-2005 Rates for USR Components by Type of Medication with Administrative Costs Shown in Parentheses

Narcotic Treatment Service Components		adone erinatal	Methadone Perinatal		LAAM Non-Perinatal	
	Daily	Monthly	Daily	Monthly	Dose	Monthly
Core,	\$9.39		\$10.75		\$22.33	
Laboratory Work,	(\$0.86)	\$285.61	(\$0.98)	\$326.98	(\$2.04)	\$290.29
and Dosing						
Narcotic Treatment Counseling	Na	Narcotic Treatment Counseling is delivered in 10 minute increments				
Individual	\$12	2.78	\$21	1.22	\$12.	78
	(\$1	.17)	(\$1.94)		(\$1.17)	
Group	\$3	3.40	\$5.22		\$3.40	
	(\$0	0.31)	(\$0.48)		(\$0.31)	

For narcotic treatment program services, the Fiscal Year 2005-2006 USR rate for each service component shall be as follows:

Fiscal Year 2005-2006 Rates for USR Components by Type of Medication with Administrative Costs in Parentheses

atment Methadone onents Non-Perinatal		Methadone Perinatal		LAAM Non-Perinatal	
Daily	Monthly	Daily	Monthly	Dose	Monthly
\$9.64		\$11.84		\$22.33	
(\$0.88)	\$293.22	(\$1.08)	\$360.13	(\$2.04)	\$290.29
Na	rcotic Treatment	Counseling is d	elivered in 10 mi	inute increment	S
\$13.03		\$21.22		\$13.03	
(\$1.19)		(\$1.94)		(\$1.19)	
\$3.64		\$6.29		\$3.64	
(\$0.33)		(\$0.58)		(\$0.33)	
	\$9.64 (\$0.88) Na \$13	Daily Monthly \$9.64 (\$0.88) \$293.22	Daily Monthly Daily \$9.64 \$11.84 (\$0.88) \$293.22 (\$1.08) Narcotic Treatment Counseling is described. \$13.03 \$21 (\$1.19) (\$1 \$3.64 \$6	Daily Monthly Daily Monthly \$9.64 \$11.84 \$360.13 (\$0.88) \$293.22 (\$1.08) \$360.13 Narcotic Treatment Counseling is delivered in 10 miles \$13.03 \$21.22 (\$1.19) (\$1.94) \$3.64 \$6.29	Daily Monthly Daily Monthly Dose \$9.64 \$11.84 \$22.33 (\$0.88) \$293.22 (\$1.08) \$360.13 (\$2.04) Narcotic Treatment Counseling is delivered in 10 minute increments \$13.03 \$21.22 \$13. (\$1.19) (\$1.94) (\$1.5 \$3.64 \$6.29 \$3.6

For narcotic treatment program services, the Fiscal Year 2006-2007 USR rate for each service component shall be as follows:

Fiscal Year 2006-2007 Rates for USR Components by Type of Medication with Administrative Costs Shown in Parentheses

Narcotic Treatment Service Components	Methadone Non-Perinatal		Methadone Perinatal		
	Daily	Monthly	Daily	Monthly	
Core,	\$9.64		\$11.84		
Laboratory Work,	(\$0.88)	\$293.22	(\$1.08)	\$360.13	
and Dosing					
Narcotic Treatment Counseling	Narcotic Tre	Narcotic Treatment Counseling is delivered in 10 minu increments			
Individual	\$1	\$13.03		\$21.22	
	(\$	(\$1.19)		(\$1.94)	
Group	\$:	\$3.64		\$6.29	
	(\$6	(\$0.33)		(\$0.58)	

For narcotic treatment program services, the Fiscal Year 2007-2008 USR rate for each service component shall be as follows:

Fiscal Year 2007-2008 Rates for USR Components by Type of Medication with Administrative Costs Shown in Parentheses

Narcotic Treatment Service Components	Methadone Non-Perinatal		Methadone Perinatal		
	Daily	Monthly	Daily	Monthly	
Core,	\$11.20		\$12.15		
Laboratory Work,	(\$1.02)	\$340.67	(\$1.11)	\$369.56	
and Dosing					
Narcotic Treatment Counseling	Narcotic Trea	Narcotic Treatment Counseling is delivered in 10 minute increments			
Individual	\$1	\$14.96		\$21.22	
	(\$^	(\$1.37)		(\$1.94)	
Group	\$:	\$3.51		\$7.07	
		(\$0.32)		(\$0.65)	

For narcotic treatment program services, the Fiscal Year 2008-2009 USR rate for each service component shall be as follows:

Fiscal Year 2008-2009 Rates for USR Components by Type of Medication with Administrative Costs Shown in Parentheses

Narcotic Treatment Service Components	Methadone Non-Perinatal	Methadone Perinatal Daily	
	Daily		
Core,	\$12.44	\$13.38	
Laboratory Work,	(\$1.14)	(\$1.22)	
and Dosing			
Narcotic Treatment Counseling	Narcotic Treatment Counsel incren		
Individual	\$15.00	\$21.22	
	(\$1.37)	(\$1.94)	
Group	\$3.49	\$7.07	
	(\$0.32)	(\$0.65)	

For narcotic treatment program services, the Fiscal Year 2009-2010 USR rate for each service component shall be as follows:

Fiscal Year 2009-2010 Rates for USR Components by Type of Medication with Administrative Costs Shown in Parentheses

Narcotic Treatment Service Components	Methadone Non-Perinatal	Methadone Perinatal
	Daily	Daily
Core,	\$11.34	\$12.21
Laboratory Work,	(\$1.03)	(\$1.11)
and Dosing		
Narcotic Treatment Counseling	Narcotic Treatment Counseling is delivered in 10 minute increments	
Individual	\$13.30	\$19.04
	(\$1.22)	(\$1.74)
Group	\$3.14	\$6.36
	(\$0.29)	(\$0.58)

For narcotic treatment program services, the Fiscal Year 2010-2011 USR rate for each service component shall be as follows:

Fiscal Year 2010-2011 Rates for USR Components by Type of Medication with Administrative Costs Shown in Parentheses

Narcotic Treatment Service Components	Methadone Non-Perinatal	Methadone Perinatal
	Daily	Daily
Core,	\$11.51	\$12.39
Laboratory Work,	(\$1.05)	(\$1.13)
and Dosing		
Narcotic Treatment Counseling	Narcotic Treatment Counseling is delivered in 1 minute increments	
Individual	\$13.50	\$19.33
	(\$1.24)	(\$1.77)
Group	\$3.19	\$6.22
	(\$0.29)	(\$0.57)

For narcotic treatment program services, the Fiscal Year 2011- 2012 USR rate for each service component shall be as follows:

Fiscal Year 2011-2012 Rates for USR Components by Type of Medication with Administrative Costs Shown in Parentheses

Narcotic Treatment Service Components	Methadone Non-Perinatal	Methadone Perinatal
	Daily	Daily
Core,	\$11.86	\$12.77
Laboratory Work,	(\$1.08)	(\$1.16)
and Dosing		
Narcotic Treatment Counseling	Narcotic Treatment Counseling is delivered in 10 minute increments	
Individual	\$13.91	\$19.92
	(\$1.28)	(\$1.82)
Group	\$3.28	\$5.98
	(\$0.30)	(\$0.54)

The USR rates include administrative costs for the county or ADP when ADP assumes the role of the county as described in Section 51341.1(f). Provider reimbursement shall be adjusted to reimburse the county or ADP for administrative costs.

- (h) For narcotic treatment program services, counseling sessions shall meet the requirements specified in Section 10345, Title 9, CCR, and
- (1) A minimum of fifty (50) minutes of counseling per calendar month shall be provided to each beneficiary. Counseling shall be individual and/or group counseling which meets the requirements of Section 51341.1(b)(8) and/or (b)(9). Any waiver of the fifty (50) minute minimum for counseling shall be in accordance with Section 10345, Title 9, CCR.
- (2) ADP shall reimburse a provider for up to a maximum of 200 minutes of counseling per calendar month, per beneficiary. Counseling shall be individual and/or group counseling which meets the requirements of Section 51341.1(b)(8) and (b)(9).
 - (3) A provider shall claim reimbursement for counseling in 10-minute increments.

NOTE: Authority cited: Sections 10725, 14021.5, 14021.6, 14021.30, 14105 and 14124.5, Welfare and Institutions Code; and Section 20, Health and Safety Code. Reference: Sections 5705, 14021.5, 14021.6, 14021.9, 14021.30 and 14132.90, Welfare and Institutions Code.