

Designation of Categorical Risk Levels for the Drug Medi-Cal (DMC) Program's Narcotic Treatment Programs (NTPs) and Heroin Detoxification Programs (HDPs)

In accordance with 42 Code of Federal Regulations (CFR) Sections 455.410 and 455.450, the Department of Health Care Services (DHCS) is required to screen and establish categorical risk levels for all providers participating in the Medi-Cal program. DHCS has implemented 42 CFR Section 455.450 through Welfare and Institutions (W&I) Code Section 14043.38, which established three categorical risk levels of "limited," "moderate," or "high," for screening provider applications.

The Centers for Medicare and Medicaid Services (CMS) has designated newly enrolling opioid treatment programs as "high" or "moderate" categorical risk, levels that subject providers of these services to additional screening requirements. In accordance with W&I Code Section 14043.38, Medi-Cal must screen providers at the same or higher risk category applicable under Medicare pursuant to 42 CFR Section 424.518.

Therefore, based upon the authority granted to DHCS pursuant to W&I Code Section 14043.75(b), DHCS hereby designates the "high" categorical risk level for newly enrolling Drug Medi-Cal (DMC) applicants with Narcotic Treatment Program (NTP) or Heroin Detoxification Program (HDP) service modalities that have not been fully and continuously certified by Substance Abuse and Mental Health Services Administration (SAMHSA) since October 23, 2018.

DHCS designates the "moderate" categorical risk level for newly enrolling DMC applicants and providers with NTP or HDP service modalities if they have been fully and continuously certified by SAMHSA since October 23, 2018 or are revalidating.

Additionally, DHCS designates the "limited" categorical risk level for newly enrolling DMC applicants without NTP or HDP service modalities, and revalidating DMC providers without NTP or HDP service modalities.

This bulletin supersedes the June 2019 bulletin establishing all DMC providers as low categorical risk titled, "Updated Designation of Categorical Risk Levels for the Drug Medi-Cal (DMC) Program," and is effective [TBD].

Screening Requirements for Limited Categorical Risk Providers

For DMC applicants not providing NTP or HDP services, the following limited screening requirements apply, in accordance with 42 CFR 455.450:

- Verify that a provider meets any applicable Federal regulations, or State requirements for the provider type prior to making an enrollment determination;
 - Conduct license verifications, including State licensure verifications in States other than where the provider is enrolling, in accordance with Section 455.412;
- and

- Conduct database checks on a pre- and post-enrollment basis to ensure that providers continue to meet the enrollment criteria for their provider type, in accordance with Section 455.436.

Screening Requirements for Moderate Categorical Risk Providers

In accordance with 42 CFR Section 424.518(b)(1)(xii), prospective (newly enrolling) DMC applicants providing NTP or HDP services that have been fully and continuously certified by SAMHSA since October 23, 2018 and revalidating DMC providers are subject to screening at the “moderate” risk level, which includes:

- Perform the “limited” screening requirements outlined above; and
- Conduct on-site visits in accordance with Section 455.432.

Screening Requirements for High Categorical Risk Providers

Pursuant to 42 CFR Section 424.518(c)(1)(iv), prospective (newly enrolling) DMC applicants providing NTP or HDP services that have not been fully and continuously certified by SAMHSA since October 23, 2018 are subject to screening at the “high” categorical risk level, which includes:

- Perform both the “limited” and “moderate” screening requirements above;
- Conduct a criminal background check; and
- Require the submission of a set of fingerprints in accordance with Section 455.434 and W&I Code Section 14043.38.

Pursuant to W&I Code Section 14043.26(f)(4)(E), failure to submit fingerprints upon the request of DHCS will result in the denial of the application package.