

COUNTY OF EL DORADO

HEALTH & HUMAN SERVICES

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August 27, 2019

The Honorable Anthony Portantino Chair, Senate Standing
Committee on Appropriations State Capitol, Room 2206
Sacramento, CA 95814

**SUBJECT: AB 451 (Arambula) Health facilities: treatment of psychiatric emergency
medical conditions – OPPOSE UNLESS AMENDED**

Dear Senator Portantino:

El Dorado County Health & Human Services Agency, which includes the local Mental Health Division, must respectfully oppose AB 451 (Arambula), unless amended to take into account established county provider networks, and the financial impacts of this bill on small psychiatric health facilities.

AB 451 would require the El Dorado County Psychiatric Health Facility (EDC PHF) to treat patients with emergency psychiatric medical conditions, regardless of the fact that the facility has no emergency department. The criteria for exception include that the treating physician at the sending facility (such as local acute care hospital Emergency Departments) determines the patient is medically stable for treatment in a psychiatric facility, the facility has an available bed, and the facility has appropriate facilities and qualified personnel available to provide the care.

This bill would extend federal Emergency Medical Treatment and Labor Act (EMTALA) standards to psychiatric facilities in the state to provide emergency care regardless of insurance status. EMTALA requires facilities to provide emergency care to individuals to stabilize an emergency medical condition or to provide an appropriate transfer to a receiving facility with the capabilities. The EDC PHF is licensed by the Department of Health Care Services to provide inpatient psychiatric care for the Medi-Cal and indigent population. Services are Medi-Cal eligible for partial federal reimbursement and are not being subject to the Institutes for Mental Disease (IMD) exclusion of Medicaid reimbursement since the facility only has 16 available beds.

This bill would require the EDC PHF to accept individuals with other types of insurance, potentially displacing Medi-Cal beneficiaries to other facilities over 16 beds and subject to the IMD exclusion. El Dorado County Mental Health, as the Mental Health Plan is responsible for specialty mental health services for the Medi-Cal population. This could impact the County's ability to claim federal reimbursement for individuals that were placed in facilities over 16 beds, who would have otherwise been placed in the EDC PHF. This shift of these Medi-Cal clients into facilities over 16 beds as a result of this law will result in reduced federal funding negatively impacting County Realignment.

Vision Statement:
Transforming Lives and Improving Futures

This bill as written expands the EDC PHFs responsibilities to provide services to individuals without Medi-Cal and who are not the target population within the Bronzan-McCorquodale Act. While counties can bill private insurance for the services provided, typically the reimbursement is a very small fraction of the actual costs of the services.

Additionally, individuals may be transferred from an emergency department to a facility outside of El Dorado County, when prior to this law they would have been placed in the EDC PHF, resulting in significant costs for transportation and care coordination to return to El Dorado County (the county of residence as per current statutory requirements) upon discharge. There will be additional staff time to review and approve hospitalization and transportation costs. For patients that do not have resources, there is a risk of the patient being released into communities with risk to the patient and the community.

El Dorado County respectfully requests that the bill be amended to exempt PHFs with 16 and under beds from this bill.

Sincerely,

Don Semon
El Dorado County
Health & Human Services Agency Director