



Legislation Text

File #: 19-1264, **Version:** 1

Health and Human Services Agency recommending the Board approve and authorize the Director of Health and Human Services Agency to sign the attached letter opposing California Assembly Bill 451 as it is currently proposed. (Est. Time: 10 Min.)

FUNDING: N/A

DISCUSSION / BACKGROUND:

On February 11, 2019, California Assembly Members Arambula and Santiago introduced Assembly Bill (AB) 451 to amend Section 1317 of the Health and Safety Code, relating to health facilities, essentially requiring a psychiatric unit within a general acute care hospital, a psychiatric health facility (such as the El Dorado County Psychiatric Health Facility or PHF), or an acute psychiatric hospital that has accepted a person for the purpose of determining the existence of a psychiatric medical emergency condition, to provide emergency services and care to treat that person, regardless of whether the facility operates an emergency department.

In accordance with the Social Security Act Section 1905 (a)(B), there are criteria which exclude some institutions for mental disease, also known as "IMD"s (including a hospital, nursing facility or other institution of more than 16 beds) from federal reimbursement. However, the El Dorado County (EDC) PHF meets the criteria to receive federal reimbursement via Medicaid and Medicare, as it has only sixteen beds (this is known as the IMD exemption). As such, the EDC PHF primarily serves clients who are Medi-Cal beneficiaries or are indigent, in accordance with the County's agreement with the State which establishes EDC as the Mental Health Plan to serve Medi-Cal clients. Adoption of AB 451 in its current form, requiring the EDC PHF to essentially function as an Emergency Department would require the EDC PHF to accept individuals with other types of insurance, potentially displacing Medi-Cal beneficiaries to other non-exempt facilities, thereby requiring EDC to pay higher cost for services in facilities which cannot receive Medicaid or Medicare reimbursement.

In addition to loss of reimbursement via federal funding, the cost to add emergency medical services to the EDC PHF would require additional licensed medical staff, as well as physical modifications to the facility to accommodate medical screening and service provision.

The current proposed language of AB 451 would have significant impact on the operations of the EDC PHF, and the Health and Human Services Agency (HHSA) is recommending that the Board approve the attached letter opposing the current language in AB 451, unless amended, and authorizing the HHSA Director to sign said letter.

ALTERNATIVES:

The Board of Supervisors could decline to approve and authorize the HHSA Director to sign the attached letter.

PRIOR BOARD ACTION:

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT:

N/A

CAO RECOMMENDATION:

It is recommended that the Board approve this item.

FINANCIAL IMPACT:

Assembly Bill 451 in its current form, without amendments, could have a yet to be determined financial impact due to loss of federal reimbursement for services, as well as additional required services and facility modifications.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Provide a copy of Board Minutes to demonstrate approval of the letter and authorization for the HHSA Director to sign said letter.

STRATEGIC PLAN COMPONENT:

N/A

CONTACT

Don Semon, Director