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STATE MANDATES

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September 5, 2013

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

RE: Commission Request for Comments on Draft Staff Analysis, Schedule for Comments and Notice of Hearing” (Medi-Cal Eligibility of Juvenile Offenders, 08-TC-04)

Dear Ms. Halsey:

The Department of Finance (Finance) has reviewed the test claim submitted by Alameda County (claimant) for Claim No. 08-TC-04, entitled Medi-Cal Eligibility of Juvenile Offenders.

Commission on State Mandates (CSM) staff finds that Welfare and Institutions Code section 14029.5 (Stats. 2006, Ch. 657) imposes a reimbursable state-mandated program on county detention facilities that house juveniles by requiring such facilities to provide county welfare departments (CWDs) with information concerning soon to be released wards. In addition, if the ward is a minor, the code requires the facilities to contact the ward’s parents and perform specific activities before providing eligibility determination information to the CWD.

Finance, in its letter to Ms. Paula Higashi dated August 10, 2009, stated that approval of a portion of the test claim may be appropriate for the sole requirement on the county probation department to provide specified information regarding a ward to the CWD. The Department of Health Care Services (DHCS), conversely, stated in a letter to Ms. Higashi dated January 6, 2010, that “As discussed extensively in DHCS initial comment to this test case, activities by County Probation Officers are not state reimbursable mandates under SB 1469.” As a result of further discussions with the DHCS, it has been clarified that it was not DHCS’s intent to question whether the activities of the county detention facilities or the county probation departments are reimbursable mandates. The intent of DHCS, in its written comments, was to clarify that these activities were not allowable federal Medicaid expenditures and, as a result, could not be paid from Medi-Cal. As a result, Finance continues to hold the position that approval of that portion of the test claim relating to juvenile detention facility administrative costs, as stated above, may be appropriate.

CSM staff have further found that Welfare and Institutions Code section 14029.5 (Stats. 2006, Ch. 657) imposes a reimbursable state-mandated program on county welfare departments for four specific activities concerning the application for benefits under the Medi-Cal program for juvenile wards, procurement of parental’ consent, determination of eligibility for other health coverage, should the ward be found ineligible for Medi-Cal, and providing sufficient documentation to enable the ward to obtain necessary medical care upon release. The DHCS contends that these activities are already funded through federal Medicaid and/or state Medi-Cal

funding. Staff of the CSM, however, disagree with the DHCS and are of the opinion that these activities are funded out of county tax proceeds. Finance does not have access to the required documentation to opine which position is correct and is unable assess whether the costs of CWD personnel have already been charged to state and/or federal funds or are truly costs to the county general fund.

Finance has requested that the DHCS take a closer look toward the activities claimed by Alameda County's welfare department which may result in the claimant providing additional documentation to support its claim that the costs in question have been, in fact, borne by the county's general tax fund. It is our intent to request that staff of the DHCS be present at the December 6, 2013 Commission' hearing to provide a more detailed discussion of the costs and funding of county welfare departments activities under Medi-Cal.

Pursuant to section 1181.2, subdivision (c)(1)(E) of the California Code of Regulations, "documents that are e-filed with the Commission on State Mandates need not be otherwise served on persons that have provided an e-mail address for the mailing list."

If you have any questions regarding this letter, please contact Michael Byrne, Principal Program Budget Analyst at (916) 445-3274.

Sincerely,


for TOM DYER
Assistant Program Budget Manager

Enclosure



Enclosure A

DECLARATION OF MICHAEL BYRNE
DEPARTMENT OF FINANCE
CLAIM NO. 08-TC-04

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

9/5/2013

at Sacramento, CA

Michael Byrne