



BETTY T. YEE California State Controller

August 26, 2015

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

Re: Draft Proposed Decision

Incorrect Reduction Claim Handicapped and Disabled Students, 05-4282-I-03 Government Code Sections 7570-7588 Statutes 1984, Chapter 1747 (AB 3632); Statutes 1985, Chapter 1274 (AB 882) California Code of Regulations, Title 2, Sections 60000-60200 Fiscal Years 1996-1997, 1997-1998, and 1998-1999 San Mateo County, Claimant

Dear Ms. Halsey:

The State Controller's Office (SCO) has reviewed the Commission on State Mandates' (Commission) draft staff analysis (DSA) dated July 28, 2015, for the above incorrect reduction claim (IRC) filed by San Mateo County. This letter constitutes the SCO's response to the DSA.

We support the Commission staff decision related to the following issues:

- We agree with the Commission's analysis that medication monitoring costs, totaling \$1,007,332, are ineligible. The services are ineligible because they are not identified in the program's parameters and guidelines.
- We agree with the Commission's analysis concerning the eligibility of crisis intervention costs, totaling \$159,614 (\$76,320 for FY 1996-97 and \$83,294 for FY 1997-98). When the audit was performed, we found that crisis intervention services were unallowable because these services were not specifically identified within the program's parameters and guidelines. The DSA also indicated that "the parameters and guidelines adopted in 1991 were vague and non-specific with respect to the reimbursable activities." However, the DSA articulated that such activities were within the scope of the test claim. The relevant regulations were repealed on July 1, 1998.

 Heather Halsey, Executive Director August 26, 2015 Page 2

We do not support the Commission staff decision related to the following issues:

• We disagree with the Commission's analysis concerning the miscoded costs, totaling \$91,132 (\$56,300 for FY 1996-97, \$27,600 for FY 1997-98, and \$7,232 for FY 1998-99) for "Residential, Other" and "Skilled Nursing" services. The alleged miscoding was not addressed in the written detailed narrative section of the county-filed IRC, as required by the Commission's regulations. Therefore, we believe that this issue is a cause of action that is not before the Commission to resolve and, thus, beyond the Commission's responsibility to address pursuant to section 1185.7 of its regulations. Section 1185.7 provides the Commission with the authority to conduct a hearing before adopting a decision on an individual or consolidated IRC.

Regulations concerning the filing of an IRC with the Commission are contained within the *California Code of Regulations*, Title 2, Chapter 2.5, Article 5, section 1185.1. Relevant sections state, in part:

- (a) To obtain a determination that the Office of State Controller incorrectly reduced a reimbursement claim, a claimant shall file an "incorrect reduction claim" with the Commission.
- (f) All incorrect reduction claims, or amendments thereto, shall contain at least the following elements and documents:
 - (2) A written detailed narrative that describes the alleged incorrect reductions. The narrative shall include a comprehensive description of the reduced or disallowed areas of costs.
 - (3) All representations of fact shall be supported by testimonial or documentary evidence and shall be submitted with the claim in accordance with section 1187.5 of these regulations.

We believe that addressing issues in a DSA that were not alleged in the written detailed narrative of a claimant's IRC places an unreasonable burden on the SCO to comment on all potential issues raised during the audit process, in addition to the issues raised within the IRC. We believe that the Commission's regulations require the claimant to request a determination that the SCO incorrectly reduced a reimbursement claim by filing an IRC with the Commission that contains a written narrative describing all of the alleged incorrect reductions.

We did not address the miscoded cost issue in our comments to the county-filed IRC as the county did not include this issue in its written narrative portion of the county-filed IRC. The "Residential, Other" and "Skilled Nursing" adjustment totaling \$97,931 (\$38,428 for FY 1996-97, \$43,724 for FY 1997-98, and \$15,779 for FY 1998-99) was identified in Finding 2 of the final audit report. The county responded to this issue when responding to the draft audit report and when appealing the findings after the issuance of the final audit report to the SCO's Chief Counsel for an informal audit review. However, the written detailed narrative section of the county-filed IRC only discusses the medication monitoring and crisis intervention activities portion of Finding 2; it did not address the miscoded "Residential, Other" and "Skilled Nursing" adjustments. The post-audit appeal to the SCO's Chief Counsel indicated that the reinstated costs should be \$91,132 based on the relevant time base and rates

for these services.

Further, the dollar amounts of the individual issues disputed in the narrative of the claimant's IRC do not reconcile to the total amount disputed; the difference totals \$476,463. In reference to Finding 2, the only services disputed by the claimant in the written narrative are reductions for medication monitoring and crisis intervention costs, net of the corresponding Medi-Cal offset (Finding 4).

The following table summarizes the claimant's disputed amounts:

		Fiscal Year		
	1996-97	1997-98	1998-99	Total
Amounts disputed in IRC	\$ 893,367	\$ 1,051,859	\$ 1,287,198	\$ 3,232,424
Findings disputed in IRC narrative				
- Finding 2 - Medication monitoring	331,014	267,479	408,839	1,007,332
- Finding 2 - Crisis intervention	76,320	83,294	64,704	224,318
- Finding 3 - EPSDT offset ¹	370,338	542,834	989,670	1,902,842
- Finding 4 - Medi-Cal offset ²	(135,507)	(97,032)	(145,992)	(378,531)
Total, net	642,165	796,575	1,317,221	2,755,961
Difference	\$ 251,202	\$ 255,284	\$ (30,023)	\$ 476,463

¹ Amount contested based on SCO final audit report offset of \$2,069,194 less claimant IRC offset of \$166,352.

Claimants offset for fiscal year 1998-99 actually adds \$10,917 in additional cost, this is in excess of the amount claimed. ²Portion of offset related to unallowable medication monitoring and crisis intervention costs.

The documentation submitted with the IRC identifying the miscoded activities was submitted by the county when appealing the finding to the SCO's Legal Counsel on February 20, 2003. The county did not provide any support that the documentation was submitted to the California Department of Mental Health (CDMH) to correct submitted cost reports (**Tab 2**). As the county alleges that the inpatient services (Mode 5) are actually outpatient services (Mode 10 and 15) (**Tab 3**), the county should have alerted the CDMH regarding errors in its fiscal submissions. Further, these different modes of service and corresponding service function codes have significantly different time bases and rates (**Tab 4**), adding to our concern as to whether the miscoding has been adequately reported to the CDMH. The county also has not addressed the issue of Medi-Cal offsets related to the miscoded services.

• We disagree with the Commission's proposal to remand the claims back to the SCO to recalculate Early and Periodic, Screening, Diagnosis and Treatment (EPSDT) offsetting revenues based on the amount of EPSDT state share funding actually received and attributable to the services provided to pupils under this mandated program. This issue was addressed in Finding 3 of our final audit report.

EPSDT mental health services are available to children and youth under the age of 21 that have full scope Medi-Cal, and can be used for a variety of services (**Tab 5**). During the audit, the county did not identify the portion of EPSDT mental health services (units and costs) provided to children and youth attributable to AB 3632 clients. The county also did not provide any other verifiable support to enable the SCO to make this determination. As a

Heather Halsey, Executive Director August 26, 2015 Page 4

> result, the SCO applied the entire amount of EPSDT revenue received by the county for mental health services as an offset to claimed costs, totaling \$2,069,194 (**Tab 6**). We did not provide evidence of the total revenues received by the county in our comments to the countyfiled IRC because the amount was not disputed in the detailed written narrative of its filed IRC. In responding to the audit report, the county provided an estimate of the EPSDT offset, totaling \$166,352 (**Tab 7**). As noted in our audit report comments, we did not accept the estimated offset because the county did not provide support for such offsets.

Therefore, we believe that the only reasonable course of action is to apply the mental health related EPSDT revenues received by the county, totaling \$2,069,194, as an offset.

Category	-	Offset Per Claimant	•	Offset Per SCO	I	Difference
Finding 3 EPSDT offsets: - FY 1996-1997 - FY 1997-1998 - FY 1998-1999	\$	108,662 68,607 (10,917)	\$	479,000 611,441 978,753	\$	370,338 542,834 989,670
Total	\$	166,352	\$	2,069,194	\$	1,902,842

The following table summarizes the difference for the EPSDT offset:

As noted by the Commission in its DSA, the county's IRC submission contains a number of EPSDT offset calculations, including \$166,352, \$55,407, \$524,389 and \$665,975. These calculations, with the exception of the \$166,352 offset, were submitted after the issuance of the final audit report. The county has not provided documentation to support the calculations. As such, the SCO has been unable to verify such amounts to county records. The calculations also include elements that are estimated, resulting in inaccurate allocations. Though the county included a number of offsets in the attachments to the IRC, it only addressed the offset of \$166,352 in the written detailed narrative section of the county-filed IRC. Consequently, our comments herein only addresses the county's calculation of \$166,352.

The county stated in its response to the draft audit report that the \$166,352 offset for the EPSDT related portion of AB 3632 is an estimate. The county provided no support for this amount. In addition, we have the following concerns regarding the methodology used:

The county computed its offset based on the relative growth in units of services provided to AB 3632 versus non-AB 3632 Medi-Cal eligible children and youth. The county's use of units of service does not consider the variability in time base and cost per unit. The varying time bases and unit costs skew the accuracy of the allocation. For example, day treatment intensive services (Mode 10) are accumulated in half-day and full-day time increments and cost in excess of \$100 per unit, while less intensive outpatient services (Mode 15) are accumulated in minutes and cost between \$2 and \$3 per unit (Tab 4). The county's methodology erroneously treats all units the same regardless of relative differences in overall cost.

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 In addition, the county's methodology does not consider the increase in unit costs over time. In each fiscal year of the audit period, the cost per unit of various services increased from year to year (Tab 4). As the county's methodology does not consider cost, the alleged reduction in AB 3632 units in FY 1998-99 results in a negative offset (increase in cost) (Tab 7).

We did not address the other three EPSDT offset calculations included in the attachments to the county-filed IRC submission as they were not described in the written detailed narrative of the claimant's IRC, as required by the Commission's regulations.

We have no comments regarding the Commission's analysis of the timeliness of the county-filed IRC.

If you have any questions, please contact me by telephone at (916) 323-5849.

Sincerely, an

JIM L. SPANO, Chief Mandated Cost Audits Bureau Division of Audits

JLS/as

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Enclosure

RESPONSE BY THE STATE CONTROLLER'S OFFICE TO THE COMMISSION DRAFT PROPOSED DECISION DATED JULY 28, 2015 RELATED TO AN INCORRECT REDUCTION CLAIM (IRC) BY SAN MATEO COUNTY

Handicapped and Disabled Students Program

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SCO Declaration	ıb 1
San Mateo County's Corrected Coding Exhibit A from its informal audit review request dated February 20, 2003	ıb 2
SCO Supporting Documentation, mode and service function codes used by San Mateo County to track mental health services, document provided in the course of the audit	ıb 3
SCO Supporting Documentation, Short-Doyle/Medi-Cal Maximum Reimbursement Rates for the audit period July 1, 1996 through June 30, 1999, California Department of Mental Health	ıb 4
Early and Periodic Screening, Diagnosis and Treatment (EPSDT) mental health services informational brochure, California Department of Health Services	ıb 5
SCO Supporting Documentation, EPSDT revenues applied to mental health services provided by San Mateo County in the course of the audit	ıb 6
San Mateo County's response to the draft audit report dated September 24, 2002 Ta	ıb 7

Tab 1

1	OFFICE OF THE STATE CONTROLLER	· · · · · ·
2	Division of Audits 3301 C Street, Suite 725	
3	Sacramento, CA 95816 Telephone No.: (916) 324-8907	:
4		
5	BEFO	RETHE
6	COMMISSION ON	STATE MANDATES
7	STATE OF C	CALIFORNIA
8		
9	INCORRECT REDUCTION CLAIM ON:	No.: IRC 05-4282-I-03
10	Handicapped and Disabled Students Program	AFFIDAVIT OF BUREAU CHIEF
11	Government Code Sections 7570-7588	
12	Statutes of 1984, Chapter 1747; Statutes of 1985, Chapter 1274	
13	California Code of Regulations, Title 2,	
14	Sections 60000-60200	
15	SAN MATEO COUNTY, Claimant	
16	I, Jim L. Spano, make the following declarat	ions:
17	1) I am an employee of the State Controller	's Office (SCO) and am over the age of
18	18 years.	s office (SCO) and an over the age of
19	2) I am currently employed as a bureau chie	· · · · · · · · · · · · · · · · · · ·
20	Before that, I was employed as an audit	manager for two years and three months.
21	3) I am a California Certified Public Accou	ntant.
22	4) I reviewed the work performed by the SC	CO auditor.
23	, ee 11	ing documentation in the course of the audit
24	and Early and Periodic, Screening, Diag	a codes (Tab 3), reimbursement rates (Tab 4), gnosis and Treatment (EPSDT) mental health
25		e tracking of services provided, while the ost and time base per service type. The EPSDT
	accounting information documents the r	

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6) During the audit, the county did not identify or support the portion of EPSDT mental health services (units and costs) that should be deducted from claimed costs as offsetting revenues. In responding to the draft audit report, the county estimated that the amount should be \$166,352. The county provided a worksheet showing the calculations; however it did not provide documentation supporting the validity of such data to county records.

I do declare that the above declarations are made under penalty of perjury and are true and correct to the best of my knowledge, and that such knowledge is based on personal observation, information, or belief. I also declare that EPSDT information contained in **Tab 5** was obtained from the CDMH website.

Date: August 26, 2015

OFFICE OF THE STATE CONTROLLER

By: Jim L. Spano, Chief Jim L. Spano, Chief Mandated Cost Audits Bureau Division of Audits State Controller's Office Tab 2

Exhibit A

Corrected Coding and Costs For Three Years

9

Summary of Units of Service 96-97, 97-98, 98-99 for SB 90 Audit Appeal Corrected Services

Original Coding 1996-97 Victor	•
Victor	
05/60 124 1091 11.37% 140 0 308 45 45% Ont	
10/30 308 45.45% Only some days at Residential Others with a	
St. Vincent's St	y ix.
	oded as 05/60
15/45	
2 000	
Edgewood 3,996 0 14,097 28.35% Mental Health Services provided, not Residential,	
	Other
10/60 335 335 100.00%	
335 0 335 100.00% Intensive Day Tx provided, not SNF Augmentation	•
1997-98 miscoded as 10/60	
	· · · · ·
Victor	•
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10/95 400 832 48 68%	
Quality Grp Home 05/60 Quality Grp Home 05/60 290 0 595 48.74% Rehabilitative Day Tx provided (weekdays): micco	Tx.
05/60 or	ded as 05/60
15/45 65 65 100.00% Mental Health Services provided, not Residential, (
3,055 D 3.055 too pervices provided, hot Residential, (Other
3,055 0 3,055 100.00% (we paid for treatment patch); miscoded as 05/60	
1998-99	· · ·
Victor	
05/00	· · ·
15/50 1231 25 75% 100	· · · · ·
10/85 330 1275 25 88% 2020 550 23.45%	
10/85 188 1275 25.88% 330 330 1,275 25.88%	
	· .
188 188 681 27.61% Day Tx Rebobilitation and it is	
188 681 27.61% Day Tx Rehabilitative provided, not Day Tx Intensive)

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	ENTITY NO.	MODE	SFC	SEP UNITS	TOTAL	PERCENT OF SEP TO TOTAL	COST W/OUT	TOTAL GROSS		MEDI-CAL REVENUE		TOTAL	MEDI-CAL		ŜEP		NET	Amount
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ST VINCENT'S SCHOOL	00421	15	95 45	352 3,996 335	783 14,097 335	44.96%	61,377 24,896 21,708	27,592 7,000 21,708		0 0 0	0	000000000000000000000000000000000000000			0	· · · · · · · · · · · · · · · · · · ·	10,974	0 27,592 7,000
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Tracing of Disallowed and Disputed Costs SB 90 Audit

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	4194	19		1/19/96	9/25/96		160	7/31/96	31		3	0	
	4194	19		1/19/96	9/25/96		60	8/31/96	31		23	8	
	4194	19		1/19/96	9/25/96		60	9/25/96	24		22	9	
	4194	4		6/21/96	9/3/96		60	7/31/96	24		17	7	
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Summary Edgewood Servi	ces 1996-	97		·····		· .	· · ·				· · ·
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Tab 3

MENTAL HEALTH SERVICES IFAS ORGANIZATIONAL NUMBERING SCHEME (File: ifas code\ifas org.xls #10)

10.29.99

CC: FAITH 3F NANGT PAT MARY FISCAL UNIT

'	FMS	1	<u> </u>		
ORGANIZATION NAME	ORG. #(Old	DEPT. #	IFAS		
			DIV. #	SECT. #	4
Mental Health Services	5800	61000			
Program Office	New	61000	61100]
Program Office - General	5810	61000		61101	1
Program Office - Residency	5870	61000	61100	61102	
Access	New	61000	61200		
Access	5877	61000	61200		
Primary Care Interface	New	61000	61200	61201	
Youth Services	New			61202	
Youth Services - Administration	New	61000 61000	61300		
Youth Services - North County	5823	61000	61300	61301	
Central County Administration	5830, 5831	61000	61300	61302	
Youth Services - Central/South County	5833	61000	61300	61303	: -
Youth Services - Case Mngt	5871	61000	61300 61300	61304	
Youth Services - Coastside	New	61000		61305	
Youth Services - Hillcrest	5855	61000	61300 61300	61306	
Youth Services - MH/HSA	5844	61000	61300	61307	
Youth Services - Palos Verdes Special Ed	5875	61000	61300	61308	
Youth Services - Therapeutic Day School	5865	61000	61300	61309 61310	
outh Services - Healthy Steps (Pre to Three)	New	61000	61300	61311	
outh Services - Wraparound Pilot	New	61000	61300	61312 N	
dult Services	New			01312 N	łew
dult Services - Administration	New	<u>61000</u> 61000	61400	<u> </u>	
orth County Administration	5820, 5821	61000	61400	61401	
dult Services - North County	5822	61000	61400	61402	
dult Services - Central County	5832	61000	61400	61403	
outh County Admin	5840, 5841	61000	61400 61400	61404	
dult Services - South County	5842	61000	61400	61405	
dult Services - Conservatorship	5860	61000	61400	61406	
dult Services - East Palo Alto	5843	61000	61400	61407 61408	
dult Services - Dual Diagnosis	New	61000	61400	61409	
prensics	New	61000			
rensics - General	5850	61000	61500 61500	61504	
rensics - CTC	New	61000	61500	61501 61502	
entally III Offender	New	61000	61500	61503 New	
der Adult Services	New	61000	61600	01003 Nev	w 99
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	DESCRIPTION	ACCT#		
	ADVERTISING & PUBLICITY EXP	5343		
3	ALARM/SURVEILLANCE EQPT MAINT	5421		
	AMBULANCE	6153		
	BOOKS, MANUALS, LITERATURE	5194		
	CASH ADVANCE	ORG/0360		
	CLIENT TRANSP CHG(W EMPLOYEE)	5716		
	CLIENT TRANSP EXP	6122 L	JSE ORG OF CLINICS 3/00	
	COMMISSION AND BOARD EXP	5723		
	CONTRACT CUSTODIAL SVCS/JANITORIAL	5483		
	CONTRACT OFFICE SUPPORT(KELLY)	5814		
	COUNTY MEMBERSHIP	5331		
	DRUGS AND PHARMACEUTICALS	5172		
	EMPLOYEE MILEAGE REIMB	5714		
	FREIGHT & DELIVERY SVC	5711		
	GEN OFFICE SUPP	5193		
	LAB CHARGES	5826		
	LOCKS AND SECURITY SYSTEM EXP	5442		
	MEALS	5148		
· ·	MEDICAL/DENTAL SUPPLY	5165		
	MEETING AND CONFERENCE	5721	•	
	MISC GROCERIES	5147		
	MISC MAINT(FLOORING,CARPET,BLDG MAINT	5455		
	MOVING AND RELOCATION EXP	5951		
	OFFICE EQUIP RENTAL (USE THIS FOR FAX)		ISE AC#5196-FY00/01 PER A	FOR CORNERS
	OFFICE EQUIP RENTAL (USE THIS FOR PAX) OFFICE FURNITURE & EQUIP LESS THAN \$500	5234	3E AC#3196-F100/01 PER A	Ginte contract
		5236		
	OFFICE FURNITURE & EQUIP MORE THAN \$500 OFFICE WATER EXPENSE			
		5198		
	OTHER GEN OFC EQUIP MAINTENANCE	5426 5400		
	OTHER OFFICE EXPENSE	5199		
	OTHER PROF SVCS(DESIGN CHG,QUERY)	5876		
	OTHER SPEC DEPT EXP(MAJOR JOB)	5969		
	OUTSIDE PRINTING & COPY SVC(SIR SPEEDY)	5191		
	PC/LAN SOFTWARE	5213		
	PLEION/IMPROVEMENT	6741		
	POSTAGE AND MAILING	5197		
	PROF GROUPS & ASSOCIATION	5332		
	PROGRAM ACTIVITIES EXPENSE	5927		·
	PROPRIETARY SOFTWARE PURCHASE	5214		
	RECREATION AND PERSONAL SVCS	6233		
	REFUND PRIOR(MIS/SSA)TO JE TO PROPER REV	5184		•
	REGISTRATION/FILING FEES/DR LICENSES	5955		
1	SOFTWARE LICENSE	5215		
•	SUBSCRIPTION AND PERIODICALS	5195		
	SVC AND EMPLOYEE RECOGNITION	5953		
	TELEPHONE	5641		•
	THERAPY SUPP(DMV PRINT-OUT)	5168		
	TRAINING AND EDUCATION MAT/SUPPLIES	5733		
	VIDEOS	5937		
	WINDOWS/GLASS/BLINDS	5436		
	WITNESS/INTERPRETER'S FEE	5323		
		5723	1	
ь	MH BOARD -EXPENSES	51-5		
			·•	

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S-06.0 SERVICE FUNCTION

PURPOSE:

Identifies the specific type of service received by the client within 24 Hour, Day, and/or Outpatient mode of service.

FIELD DESCRIPTION:

Type: Byte(s): Format: Required On: Source: Character 2 XX All Service Records Local Mental Health

VALID CODES:

24 Hour Services/Mode 05

		\cdot
10-18	= Hospital Inpatient	01-09 = Case Management, Brokerage
19	= Hospital Administrative Day	10-18 = Collateral
20-29	 Psychiatric Health Facility (PHF) 	19 = Professional Inpatient Visit - Collateral
30-34	= SNF Intensive	30-38 = Mental Health Services (MHS)
35	= IMD Basic (no Patch)	39 = Professional Inpatient Visit - MHS
36-39	= IMD With Patch	40-48 = Mental Health Services (MHS)
40-49	= Adult Crisis Residential	49 = Professional Inpatient Visit - MHS
50-59	= Jail Inpatient	50-58 = Mental Health Services (MHS)
60-64	= Residential, Other	59 = Professional Inpatient Visit - MHS
65-79	 Adult Residential 	60-68 = Medication Support
80-84	 Semi-Supervised Living 	69 = Professional Inpatient Visit - Medication
85-89	= Independent Living	Support
90-94	= Psychosocial Rehab Center	(70-79) = Crisis Intervention

Outpatient Services/Mode 15

Day Services/Mode 10

- 20-24 = Crisis Stabilization Emergency Room
- 25-29 = Crisis Stabilization Urgent Care
- 30-39 = Vocational Services
- 40-49 = Socialization
- 60-69 = SNF Augmentation
- 81-84 = Day Treatment Intensive Half Day
- 85-89 = Day Treatment Intensive Full Day
- 91-94 = Day Rehabilitation Half Day
- 95-99 = Day Rehabilitation Full Day

The coding scheme follows the County Cost Report definitions.

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DEFINITIONS:

24 Hour Services/Mode 05

Hospital Inpatient (10-18)

Hospital Administrative Day (19)

Psychiatric Health Facility (PHF) (20-29)

SNF Intensive (30-34)

IMD (Institute for Mental Disease)

Basic (35)

With Patch (36-39)

Adult Crisis Residential (40-49)

Jail Inpatient (50-59)

Residential, Other (60-64)

Adult Residential (65-79)

Semi-Supervised Living (80-84)

Independent Living (85-89)

April 1998

Services provided in an acute psychiatric hospital or a distinct acute psychiatric part of a general hospital that is approved by the Department of Health Services to provide psychiatric services.

Local Hospital Administrative Days are those days that a patient's stay in the hospital is beyond the need for acute care and there is a lack of nursing facility beds.

Psychiatric Health Facility Services are therapeutic and/or rehabilitation services provided in a non-hospital 24 hour inpatient setting, on either a voluntary or involuntary basis. Must be licensed as a Psychiatric Health Facility by the Department of Mental Health.

A licensed skilled nursing facility which is funded and staffed to provide intensive psychiatric care.

For this service function an IMD is a SNF where more than 50% of the patients are diagnosed with a mental disorder. The federal government has designated these facilities as IMDs.

No Patch.

Organized therapeutic activities which augment and are integrated into an existing skilled nursing facility.

Therapeutic or rehabilitative services provided in a non-institutional residential setting which provides a structured program as an alternative to hospitalization for persons experiencing an acute psychiatric episode or crisis who do not present medical complications requiring nursing care.

A distinct unit within an adult or juvenile detention facility which is staffed to provide intensive psychiatric treatment of inmates.

This service function includes children's residential programs, former SB 155 programs, former Community Care Facility (CCF) augmentation, and other residential programs that are not Medi-Cal certified or defined elsewhere.

Rehabilitative services, provided in a non-institutional, residential setting, which provide a therapeutic community including a range of activities and services for persons who would be at risk of hospitalization or other institutional placement if they were not in the residential treatment program.

A program of structured living arrangements for persons who do not need intensive support but who, without some support and structure, may return to a condition requiring hospitalization. This program may be a transition to independent living.

This program is for persons who need minimum support in order to live in the community.

4/7

24 Hour Services/Mode 05 (continued)

Psychosocial Rehab Center (90-94)	This is a 24 hour program which provides intensive support and rehabilitation services designed to assist persons 18 years or older, with mental disorders who would have been placed in a state hospital or another mental health facility to develop the skills to become self- sufficient and capable of increasing levels of independent functioning.
Day Services/Mode 10	
Crisis Stabilization - Emergency Room (20-24)	This is an immediate face-to-face response lasting less than 24 hours, to or on behalf of a client exhibiting acute psychiatric symptoms, provided in a 24 hour health facility or hospital based outpatient program. Service activities are provided as a package and include but are not limited to Crisis Intervention, Assessment, Evaluation, Collateral, Medication Support Services, and Therapy.
Crisis Stabilization - Urgent Care (25-29)	This is an immediate face-to-face response lasting less than 24 hours, to or on behalf of a client exhibiting acute psychiatric symptoms, provided at a certified Mental Health Rehabilitation provider site. Service activities are provided as a package and include but are not limited to Crisis Intervention, Assessment, Evaluation, Collateral, Medication Support Services, and Therapy.
Vocational Services (30-39)	Services designed to encourage and facilitate individual motivation and focus upon realistic and attainable vocational goals. To the extent possible, the intent is to maximize individual client involvement in skill seeking and skill enhancement, with an ultimate goal of self support.
Socialization (40-49)	Services designed to provide activities for persons who require structured support and the opportunity to develop the skills necessary to move toward more independent functioning.
SNF Augmentation (60-69)	Organized therapeutic activities which augment and are integrated into an existing skilled nursing facility.
Day Treatment Intensive Half Day (81-84) Full Day(85-89)	Day Treatment Intensive service provides an organized and structured multi-disciplinary treatment program as an alternative to hospitalization, to avoid placement in a more restrictive setting, or to maintain the client in a community setting.
Day Rehabilitation Half Day (91-94) Full Day (95-99)	Day Rehabilitation service provides evaluation and therapy to maintain or restore personal independence and functioning consistent with requirements for learning and development.
Outpatient Services/Mode 15	
Case Management, Brokerage (01-09)	Case Management/Brokerage services are activities that assist a client to access medical, educational, social, prevocational, vocational, rehabilitative, or other needed community services.
Collateral (10-18) Mental Health Services (MHS)	Mental Health Services are interventions designed to provide the maximum reduction of mental disability and restoration or maintenance of functioning consistent with the requirements for learning, development, independent living, and enhanced self- sufficiency.
April 1998	5/7 S-06.

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S-06.0 Page 3 of 4

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Outpatient Services/Mode 15 (continued)

necessary to alleviate the symptoms of mental illness.Professional Inpatient Visit - Medication Support (69)These services are the same as Medication Support except the servi are provided in a non-SD/MC inpatient setting by professional staff (69)Crisis InterventionCrisis Intervention is a service, lasting less than 24 hours, to on beh	Cọl	ofessional Inpatient Visit - pliateral or MHS 9, 39, 49, 59)	These services are the same as Mental Health Services except the services are provided in a non-SD/MC inpatient setting by professiona staff.	1
Medication Supportare provided in a non-SD/MC inpatient setting by professional staff(69)Crisis InterventionCrisis InterventionCrisis Intervention is a service, lasting less than 24 hours, to on beh		••	dispensing, and monitoring of psychiatric medication or biologicals	
erists intervention is a service, having less than 24 notis, to on ben	Mec	edication Support	These services are the same as Medication Support except the services are provided in a non-SD/MC inpatient setting by professional staff.	
the state of a second to a second to a second to the secon		isis Intervention D-79)	Crisis Intervention is a service, lasting less than 24 hours, to on behalf of a client for a condition which requires more timely response than a regularly scheduled visit. Service activities may include but are not limited to assessment, collateral and therapy.	

For more details on these definitions, see the California Code of Regulations, Title 9, Chapter 11 and the County Cost Report documentation.

USER/USAGE INFORMATION:

This data element is needed for detailed identification of the types of services being given as well as for linking to cost reports.

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S-07.0 UNITS OF SERVICE

PURPOSE:

Identifies the quantity of services provided.

FIELD DESCRIPTION:

Type:	Numeric
Byte(s):	2
Format:	XX
	Right justify, zero fill
Required On:	All Service Records
Source:	Local Mental Health

COMMENTS:

Must be numeric.

TYPE OF SERVICE	UNIT OF SERVICE MEASUREMENT
24-Hour mode of service	Day
Day mode of service except	
for Crisis Stabilization	
Crisis Stabilization	Each occurrence of the event
Outpatient mode of service	Each client or support person contact

Units of service must be greater than zero if the mode of service is 24 Hour or Day.

Units of service must be zero filled if the mode of service is Outpatient and there is no contact with a client or support person.

VALID CODES:

- 00 = Outpatient Services (Mode 15) whenever there is no contact with a client or support person
- 01 through 31 = 24 Hour Services (Mode 05); must be appropriate for the length during the month including a leap year

For Day Treatment Intensive and Day Rehabilitation, units of service must equal units of time. All other services must be numeric and greater than zero.

Definitions and the counting of units of service will be consistent with the California Code of Regulations, Title 9, Chapter 11 and the County Cost Report documentation.

USER/USAGE INFORMATION:

This data element is needed to capture statistics on the amount of services provided to each client. This will also be used to calculate units of service by diagnosis, age, etc.

April 1998

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Tab 4

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ENCLOSURE A

FISCAL YEAR 1996-97 SHORT-DOYLE/MEDI-CAL MAXIMUM REIMBURSEMENT RATES

July 1, 1996 through June 30, 1997

,	MODE OF SERVICE CODE	SERVICE FUNCTION CODE	TIME BASE	SHORT-DOYLE/ MEDI-CAL MAXIMUM ALLOWANCE
SERVICE FUNCTION	- AF.			
A. 24-HOUR SERVICES Hospital Inpatient	05:	10-18	Client Day	\$692.46
Hospital Inpatient Hospital Administrative Day Psychlatric Health Facility (PHF)		19	Client Day	\$214.90 \$387.35
		20-29	Client Day Client Day	\$218.42
Adult Crisis Residential Adult Residential		65-79	Client Day	\$106.53
B. DAY SERVICES Crisis Stabilization Emergency Room Urgent Care	10:	20-24 25-29	Client Hour Client Hour	\$67.81 \$67.81
Day Treatment Intensive Half Day Full Day		81-84 85-89	Client 1/2 Day Client Full Day	
Day Rahabilitation Half Day Full Day		91-94 95-99	Client 1/2 Day Client Full Day	
C. OUTPATIENT SERVICES Case Management, Brokerage	15:	01-09	Staff Minute	91.45 3Z
Mental Health Services Medication Support Crisis Intervention		10-19 30-69	Staff Minute	
		60-69 70-79	Staff Minute Staff Minute	40.70

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ATTACHMENT B

Pm 3254 , +1 -101

FISCAL YEAR 1997-98 SHORT-DOYLE/MEDI-CAL MAXIMUM REIMBURSEMENT RATES

July 1, 1997 through June 30, 1998

*		MODE OF SERVICE SERVICE FUNCTION CODE CODE		TIME BASE	SHORT-DOYLE/ MEDI-CAL MAXIMUM ALLOWANCE
	SERVICE FUNCTION				
A.	24-HOUR SERVICES	05:			
	Hospital Inpatient		10-18	Client Day	\$707.85
	Hospital Administrative Day		19	Client Day	\$214.90
	Psychiatric Health Facility (PHF)		20-29	Client Day	\$400.13
	Adult Crisis Residential		40-49	Client Day	\$225.63
	Adult Residential		65-79	Client Day	\$110.04
 B.	DAY SERVICES	10:			
,	Crisis Stabilization				
ł	Emergency Room		20-24	Client Hour	\$70.05
	Urgent Care		25-29	Client Hour	\$70.05
	Day Treatment Intensive				1100 70
	Half Day		81-84	Client 1/2 Day	\$106.78 \$149.97 34-34
	Full Day		85-89	Client Full Day	
	Day Rehabilitation		91-94	Client 1/2 Day	\$62.29
	Half Day Full Day		95-99	Client Full Day	\$97.22
 c	OUTPATIENT SERVICES	15:			
	Case Management, Brokerage		01-09	Staff Minute	\$1.50 3 C 3a
	Mental Health Services		10-19		\$1.92 32 30
			30-59	Staff Minute	1
	Medication Support		60-69	Staff Minute	\$3.57
	Crisis Intervention		70-79	Staff Minute	\$2.88

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ENCLOSURE A

FISCAL YEAR 1998-99 SHORT-DOYLE/MEDI-CAL MAXIMUM REIMBURSEMENT RATES

July 1, 1998 through June 30, 1999

	·				
\$	MODE OF SERVICE CODE		TIME BASE	SHORT-DOYLE/ MEDI-CAL MAXIMUM ALLOWANCE	
SERVICE FUNCTION			·		7
A. 24-HOUR SERVICES	05:	н. Н			
Hospital Inpatient		10-18	Client Day	\$724.16	
Hospital Administrative Day		19	Client Day	\$214.90	
Psychiatric Health Facility (PHF)		20-29	Client Day	\$414.13	
Adult Crisis Residential	4	40-49	Client Day	\$ 233.53	
Adult Residential		65-79	Client Day	\$113.89	
B. DAY SERVICES	10:				
Crisis Stabilization					
Emergency Room		20-24	Client Hour	\$72.50	
Urgent Care		25-29	Client Hour	\$72.50	
Day Treatment Intensive Half Day Full Day		81-84 85-89	Client 1/2 Day Client Full Day	\$110.51 \$155.22	6 3 L Y &
Day Rehabilitation Half Day Full Day		91-94 95-99	Client 1/2 Day Client Full Day	\$64.47 \$100.63	
C. OUTPATIENT SERVICES	15:				
Case Management, Brokerage		01-09	Staff Minute	\$1.55	Cu 31 44
Mental Health Services		10-19 30-59	Staff Minute	\$1.99	532 ya
Medication Support		60-69	Staff Minute	\$3.70	
Crisis Intervention		70-79 ·	Staff Minute	\$2.98	•

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Tab 5

This notice is for children and young people who qualify for Medi-Cal EPSDT services because they are under 21. This notice is also for caregivers or guardians of children and young people who qualify for EPSDT.

<u>What are Early and Periodic Screening,</u> <u>Diagnosis and Treatment (EPSDT)</u> <u>services?</u>

EPSDT services are extra Medi-Cal services. You can get them in addition to other Medi-Cal services. You must be under age 21 and have full scope Medi-Cal to get these services. EPSDT services correct or improve medical problems that your doctor or other health care provider finds, even if the health problem will not go away entirely.

<u>How can I get EPSDT services for my</u> child or, if I am under age 21, for myself?

Ask your doctor or clinic about EPSDT services. You may get these services if you and your doctor, or other health care provider, clinic (such as Child Health and Disability Prevention Program [CHDP]) or county mental health department agree that you need them.

What are EPSDT mental health services?

EPSDT mental health services are Medi-Cal services that correct or improve mental health problems. These problems may be sadness, nervousness, or anger that makes your life difficult.

Some of the services you can get from your county mental health department are:

- Individual therapy
- Group therapy
- Family therapy
- Crisis counseling
- Case management
- Special day programs
- Medication for your mental health
- EPSDT mental health services to treat alcohol and drug problems you may have that affect your mental health.

You can also ask for counseling and therapy as often as once per week or more if you think you need it. You may be able to get these services in your home or in the community.

In most cases, your county mental health department, you, and your doctor or provider will decide if the services you ask for are medically necessary. County mental health departments must approve your EPSDT services. Every county mental health department has a toll-free phone number that you can call for more information and to ask for EPSDT mental health services.

<u>What are EPSDT Therapeutic Behavior</u> <u>Services (TBS)?</u>

Therapeutic Behavioral Services (TBS) is a new EPSDT mental health service. TBS helps children and young people who:

- Have severe emotional problems
- Live in a mental health placement or are at risk of placement, or
- Have been hospitalized recently for mental health problems.

If you get other mental health services and still feel very sad, nervous, or angry, you may be able to have a trained mental health coach help you. This person could help you when you have problems that might cause you to get mad, upset or sad. This person would come to your home, group home or go with you on trips and activities in the community.

Your county mental health department can tell you how to ask for an assessment to see if you need mental health services including TBS.

Who can I talk to about EPSDT mental health services?

You can talk to your doctor, psychologist, counselor or social worker about EPSDT mental health services. For children and young people in a group home or residential facility, you can talk to the staff about getting additional EPSDT services.

For children in foster care, you can also ask the child's court-appointed attorney. You can also call your county mental health department directly. (Look in your phone book for the toll-free telephone number, or call the State mental health ombudsman.)

What if I don't get the services I want from my county mental health department?

You can file a grievance with the county mental health department if the county mental health department denies the EPSDT services requested by your doctor or provider. You may also file a grievance if you think you need mental health services and your provider or county mental health department does not agree. Call the county mental health department's toll free number to talk to a grievance coordinator for information and help. You may also call the county patient's rights advocate, or the State Mental Health Ombudsman Office.

You can ask for a State hearing at the same time. Call 1-800-952-5253, send a fax to 916-229-4110, or write to the Department of Social Services/State Hearings Division, P.O. Box 944243, Mail Station 19-37, Sacramento CA 94244-2430. You must ask for a hearing within 90 days after you learn that your request for services was denied. Protection & Advocacy, Inc. is also available to assist with complaints, appeals, and grievances.

Who can I call for more information?

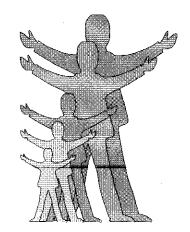
For more information please contact the following offices at the telephone numbers below.

County Mental Health	Look in your
Department toll-free access	local phone
number	book
Department of Mental	1-800-896-4042
Health Ombudsman Office	
Child Health and Disability	Look in your
Prevention (CHDP)	local phone
Program located in your	book.
county or city health	
department.	
Protection & Advocacy,	1-800-776-5746
Inc.	or www.pai-
	ca.org

Medi-Cal Services for Children and Young People:

Early and Periodic Screening, Diagnostic and Treatment

Mental Health Services





Governor Gray Davis Grantland Johnson, Secretary Health and Human Services Agency Diana Bonta', Director Department of Health Services May 2001

Tab 6

....... ALYS REVENUE RECEIVED IN EN OTO

AL HEA JES DIVISION

LYSIS (REVENUE RECEIVED IN FY 96/97 DUGH Y 06/30/97

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2-Jul-97

11/1741 - EPSDT STATE ALLOCATION

F DATE	REF NO.	DESCRIPTION	EV 02/04	EV A VAR				
			FY 93/94	FY 94/95	FY 95/96	FY 96/97	TOTAL REVENUE	1
						262,138.00		
12/27/96	DP32366	EPSDT					[≠] ×	
06/30/97	JE 35001	Revenue Accrual				61,576.00	61,576.00	
		TOTAL				417,424.00	417,424.00	u –
<u>+</u>			0.00	0.00	0.00	741,138.00	3151-479,000.00	
								- SNYC

\$01/1765 - STATE AIDS CONTRACT FERATE

EF DATE	REF NO.	DESCRIPTION	FY 93/94	FY 94/95	FY 95/96	FY 96/97 60,000.00	TOTAL REVENUE
08/07/96 09/25/96 03/05/97 04/18/97 06/30/97		Contract #95-75180 Contract #95-75180 Reclass from 61101- 1768 Thru 12/96 Revenue Accrual TOTAL	0.00	0.00	13,739.47 6,000.00 (19,739.00) 0,47	26,496.79 33,503.21 60,000.00	13,739.47 6,000.00 (19,739.00) 26,496.79 33,503.21 60,000.47

61309/1871 - SMC BOARD OF EDUCATION - AB 599

REF DATE	REF NO.	DESCRIPTION	FY 93/94	FY 94/95	FY 95/96	FY 96/97	TOTAL REVENUE
 						133,824.00	NOTAL REVENUE
07/01/96 09/23/96 03/14/97 26/30/97	JE17535 DP26724 DP36834 JE 34484	Reverse Accrual 16711 SMC Schools - payment SMC 7/96 - 8/96 Revenue Accrual TOTAL			(31,850.00) 31,850.00	4,055.45 23,602.87 32,352.00	0.00 (31,850.00) 35,905.45 23,602.87 32,352.00
		IUIAL	0.00	0.00	0.00	60,010.32	60.010.32

61301/1955 - CHILDREN SYSTEM OF CARE - MARTY'S

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REF DATE	REF NO.	DESCRIPTION	FY 93/94	FY 94/95	FY 95/96	FY 96/97	TOTAL REVENUE
07/04/00							
07/01/96 05/01/97	JE 17535 JE 30454	Revenue accrual- 16711 Reclass to 61308-1955			(22,324.00) 22,324.00		(22,324.00) 22,324.00
		TOTAL	0.00	0.00	0.00	0.00	0.00

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1996-97

TAL HE/ I SERVICES DIVISION

DUGH, 06/30/98

FY%8rev:3xlw

1/1741 - EPSDT STATE ALLOCATION

FDATE	REF NO.	DESCRIPTION	FY 94/95	FY 95/96	FY 96/97	FY 97/98	TOTAL REVENUE
		······································				7	
03/30/98		Revenue Reclass, from #61301		510,000.00	(190,424.00)	61,346.00	380,922.00
04/21/98	DP62448 DP66208	EPSDT - SGF EPSDT - SGF-Cost Rept Settlement		185,519.00		45,000.00*	45,000.00 185,519.00
	21 00200	TOTAL	0.00	695,519.00	(190,424.00)	106,346.00	611,441.00

108/2658 - CONSORTIUM FOUNDATION

REF NO.	DESCRIPTION	FY 94/95	FY 95/96	FY 96/97	FY 97/98	TOTAL REVENUE
					60,000.00	
DP58308	Oct, 1997 to January, 1998				20,000.00	20,000.00
DP62864	Full payment of contract				40,000.00	40,000.00
						0.00
						0.00
						0.00
	TOTAL	0.00	0.00	0.00	60,000.00	60,000.00
	DP58308	DP58308 Oct, 1997 to January, 1998 DP62864 Full payment of contract	DP58308 Oct, 1997 to January, 1998 DP62864 Full payment of contract	DP58308 Oct, 1997 to January, 1998 DP62864 Full payment of contract	DP58308 Oct, 1997 to January, 1998 DP62864 Full payment of contract	DP58308 Oct, 1997 to January, 1998 20,000.00 DP62864 Full payment of contract 40,000.00

1101/1765 - STATE AIDS CONTRACT

REF DATE	REF NO.	DESCRIPTION	FY 94/95	FY 95/96	FY 96/97	FY 97/98	TOTAL REVENUE
		۱ 					
							0.00
							0.00
		TOTAL	0.00	0.00	0.00	0.00	0.00

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81101/2529 - IFR HALF CENT FUND

REF DATE	REF NO.	DESCRIPTION	FY 94/95	FY 95/96	FY 96/97	FY 97/98	TOTAL REVENUE
						44,000.00	
06/29/98	JE50357	Half Cent Fund - Trnsp Reimbursement	i			28,313.70	28,313.70
		TOTAL	0.00	0.00	0.00	28,313.70	28,313.70
			}				

NOTE: Amounts in brackets are deductions from Revenue Account.

3134

HEAL SERVICES DIVISION

DP22742

DIS C____ EVENUE RECEIVED IN FY 98/99 H. 06/30/99

FY 98/99

430,692.00

430,692.00

128.654.00

287,654.00

183 083 00

:99rev 3N4C

TOTAL REVENUE

99rev:3xlw

27-Oct-00

06/11/99

61311/1741 - EPSDT STATE ALLOCATION **REF DATE** REF NO. DESCRIPTION FY 95/96 FY 96/97 FY 97/98 Grant amount 07/29/98 DP01840 MH EPSDT - FY 98 - 2ND QTR 47,000.00 11/10/98 DP08656 MH EPSDT - FY 97 INTERIM 76,424.00 11/30/98 DP09799 MH EPSDT - FY 98 - 3RD QTR 112,000.00 02/24/99 DP15290 MH EPSDT - INTERIM 04/20/99 DP19173 MH EPSDT -4TH QTR

	103,903,00	
 TOTAL	260,407.00	-
		-

- **1** 3N,

47,000.00

76.424.00

112,000.00

430,692.00

128,654.00

183,983.00

978,753.00

61101/1749 - OTHER STATE MENTAL HEALTH - PHARMACY & LAB

MH EPSDT 96-97 FINAL

REF DATE	REF NO.	DESCRIPTION	FY 95/96	FY 96/97	FY 97/98	FY 98/99	TOTAL REVENUE
06/30/99	JE68026	REVENUE ACCRUAL				1,424,572.00	1,424,572.08
		TOTAL	0.00		0.00	1,424,572.00	1,424,572.00

61201/1749 - OTHER STATE MENTAL HEALTH - MANAGED CARE

REF DATE	REF NO.	DESCRIPTION	FY 95/96	FY 96/97	FY 97/98	FY 98/99	TOTAL REVENUE
						1,800,193.00	
11/06/98 02/26/99 04/30/99		Reclass to Managed Care Reclass Mgd Care Allocation Reclass DP 19635			400.00	0.00 1,795,029.00 5,164.00	400.00 1,795,029.00 5,164.00
		TOTAL	0.00	0.00	400.00	1,800,193.00	1,800,593.00

61401/1749 - OTHER STATE MENTAL HEALTH - T B C B

REF DATE	REF NO.	DESCRIPTION	FY 95/96	FY 96/97	FY 97/98	FY 98/99	TOTAL REVENUE
						1,800,193.00	
06/30/99	JE68026	REVENUE ACCRUAL				200,000.00	200,000.00
		TOTAL	0.00	0.00	0.00	200,000.00	200,000.00

NOTE: Amounts in brackets are deductions from Revenue Account.

Tab 7

HEALTH SERVICES AGENCY

September 24, 2002

Mr. Walter Barnes Chief Deputy State Controller, Finance P.O. Box 942850 Sacramento, CA 94250

Re: Handicapped and Disabled Students Draft Audit Report

Dear Mr. Barnes:

Enclosed is San Mateo County's response to the draft audit report for the Handicapped and Disabled Students Claim. We have submitted our response within 30 days of adoption of the State's FY 02-03 budget.

Please contact Louise Rogers, Deputy Director, Mental Health Division at 650 573-2531 if you have any questions regarding our response.

Sincerely,

1 Mening

Tom Huening Controller

Enclosure: As stated

cc:

Jim Spano, Compliance Audits Bureau, State Controller's Office Gale Bataille, Health Services Agency, Mental Health Services

RECEIVED

SEP 2 5 2002

STATE CONTROLLERS OFFICE SACRAMENTO

MENTAL HEALTH SERVICES DIVISION

of Supervisors: Mark Church • Rose Jacobs Glason • Richard S. Gordon • Jerry HHI • Michael D. Nevin • Health Services Director: Margaret, 1

9/20/02

San Mateo County Mental Health Services Response to SB 90 Audit by California State Controller Handicapped and Disabled Students Chapter 1747, Statutes of 1984 Chapter 1274, Statutes of 1985

The State Controller's Office conducted a field audit of the Handicapped and Disabled Students state mandated program for the San Mateo County Mental Health Division. This audit covered three fiscal years: 1996-97, 1997-98 and 1998-99. The total net disallowance stated in the draft audit report totaled \$7,768,485.

The County of San Mateo has carefully examined the issues raised in the State Controller's draft findings and wishes to respond to each issue individually. It is hoped that upon review of the County's responses the State Controller will issue a fair and equitable final audit report.

FINDING 1: Claimed costs exceeded amounts paid to Service Providers (Disallowance Amount: \$518,337)

RESPONSE: The County concurs with this finding.

FINDING 2: Ineligible treatment costs claimed by County (Disallowance Amount: \$1,371,726)

RESPONSE: The following services disallowed by the State Controller are shown by mode and service function code:

- 05/10 Hospital Inpatient This activity was claimed in error. The County concurs with this finding. Reduction amount: \$38,894.
- 05/60 Residential, Other The County does not concur with this finding. Costs included in this category were actually eligible, allowable day treatment service costs that were miscoded. Reduction amount: \$76,223.
- 10/20 Crisis Stabilization This cost was claimed in error. The County concurs with this finding. Reduction amount: \$3,251.
- 10/60 Skilled Nursing The County does not concur with this finding. Costs included in this category were actually eligible, allowable day treatment service costs that were miscoded. Reduction amount: \$21,708.

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 15/60 Medication Visits – The County strenuously objects to the State Controller's findings and disallowances in this area. Physician and nursing activities related to assessment and prescribing psychiatric medications, otherwise known as medication management, is an eligible component of this mandated program. Note that the County <u>did not</u> claim costs for the actual medications, which are specifically unallowable AB 3632 costs. State mandated cost claiming for medication support activities is supported by the applicable regulations: Title 2, Division 9, Chapter 1 of California Code of Regulations, Section 60020; Government Code 7576; and Interagency Responsibilities Code of Regulations. Reduction amount: \$1,007,332.

 15/70 Crisis Intervention – This is another instance of the State Controller's field auditor misinterpreting the types of costs categorized under this service function code. These services are mental health outpatient services provided in the normal course of mental health treatment and are included as a subfunction of the "mental health services" function code. Under no circumstances are these services analogous to hospital psychiatric emergency visits, which the County agrees would not be an eligible cost. Reduction amount: \$224,318.

FINDING 3: Claimed unit rates exceed the maximum allowable rates (Disallowance amount: \$308,661)

RESPONSE: This finding by the State Controller is fundamentally flawed in three respects. The first relates to the County's right to reimbursement of the costs of performing the mandated activity. The second relates to an existing interpretation by the Commission on State mandates relating to capitated rates relating to SB 90 program. The third relates to the State Controller's misrepresentation of the *Parameters and Guidelines* for this program.

1. Article XIIIB, Section 6 of the State Constitution allows for the reimbursement of the costs of state mandates passed down to local agencies:

CALIFORNIA CONSTITUTION ARTICLE 13B: GOVERNMENT SPENDING LIMITATION

SEC. 6. Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse such local government for the <u>costs</u> of such program or increased level of service...

2. The Commission on State Mandates has contemplated the issue of capitated rates vs. full-cost rates in their revised parameters and guidelines for the program known as Prisoner Parental Rights (Chapter 1376, Statutes of 1976, Welfare and Institutions Code, Sections 366.26 and 300 c, e, f, I and j). The Commission ruled that the mandated costs associated with Article XIIIB, Section 6 of the State Constitution could not be capitated at a state-wide level. They ruled that the State was required to reimburse local agencies for the full cost rate, and required local governments to provide additional documentation if they used a rate higher than the average daily jail

2

rate. This situation is identical. The Department of Justice, just like the California Department of Mental Health, annually establishes statewide reimbursement rates, otherwise referred to as statewide maximum allowances (SMAs). These SMAs or capitated rates are applicable to many purposes, but they are not to be applied to state mandated costs covered under Article XIIIB.

3. In the draft audit findings, the State Controller materially misrepresents what is stated in the Parameters and Guidelines by saying, "Parameters and Guidelines states that reimbursable costs are governed by the Short-Doyle/Medi-Cal Program." The Parameters and Guidelines refer to the Short-Doyle/Medi-Cal Program in the following contexts:

- IEP participation is not subject to the Short-Doyle Act (Summary of the Mandate)
- Provisions of WIC section 5651, subdivision (g), result in a higher level of service
- within the county Short-Doyle program (Summary of the Mandate) Such mental health services are subject to the current cost sharing formula of the é
- Short-Doyle Act (90-10 cost sharing). (Summary of the Mandate) Any mental health treatment required by an IEP is subject to the Short-Doyle cost
- sharing formula. (Commission on State Mandates' Decision) Reimbursable activities not subject to the Short-Doyle Act (IEP costs, et al).
- (Reimbursable Costs)
- The scope of the mandate is 100% reimbursement, except that for individuals
- billed to Medi-Cal only, the Federal Financing Participation portion (FFP) for these activities should be deducted from the reimbursable activities not subject to the Short-Doyle Act. (Reimbursable Costs)

Reimbursable activities subject to the Short-Doyle Act, or Mental Health Treatment Services. (Reimbursable Costs)

- o Scope of mandate is 10% reimbursement
- o Provision of mental health services when required by child's IEP are 10% reimbursable: Individual therapy, Collateral therapy and contacts, Group therapy, Day treatment, and Mental Health portion of residential treatment in excess of the Department of Social Services payment for the residential placement.
- Any other reimbursement for this mandate (excluding Short-Doyle funding, private insurance payments and Medi-Cal payments), which is received from any source, e.g. federal, state, etc.

Those are the sum total of references to the term "Short-Doyle" in the Parameters and Guidelines for this program. At no point is it stated or implied that the Short-Doyle program governs the definition of reimbursable costs as the State Controller notes in the audit finding.

The conclusions reached by the State Controller in Finding 3 are without basis or merit.

<u>FINDING 4:</u> Treatment costs claimed at 100% instead of 10% (Disallowance amount: **\$8,932,480**)

RESPONSE - The State Controller allowed only 10% of treatment costs related to this program, while the County claimed these costs at 100%. Since this issue is being clarified in budget trailer bill legislation (AB 2999), the County will reserve comment and discussion on this matter pending the outcome of this legislative effort.

<u>FINDING 5:</u> State categorical revenues were not properly deducted from claim costs (Disallowance amount: \$2,445,570)

RESPONSE: The County concurs with the finding that AB 599 revenue should have been offset from the claimed SB 90 costs. The County does not concur with the finding that \$2 million EPSDT State Match should have been offset from the claimed SB 90 costs. The State Controller deducted all state general fund EPSDT Medi-Cal from the claimed SB 90 costs. The County had already offset the SB 90 reimbursement claim by the federal share of EPSDT Medi-Cal, but failed to deduct the state general fund EPSDT match. The State Controller incorrectly deducted all EPSDT state general fund revenues, even though a significant portion of EPSDT revenue was not linked to the AB 3632 population. The County estimates based on the attached methodology that the correct amount that should be disallowed by the State is as follows:

Revenue Source	County Amount	State Disallowance	Difference
State EPSDT Match	166,352	2,069,194	1,902,842

Based on the recent field audit, we are updating the MIS system to provide better tracking of AB 3632 linked clients, services and costs. We have most likely overstated the Medi-Cal revenue linked to AB 3632 services and thus, we have actually understated our net SB 90 claimable costs in contrast to the State Controller's findings that insufficient Medi-Cal revenues were offset. Only a small percentage of AB 3632 students are Medi-Cal beneficiaries, and thus, the actual state EPSDT revenue offset is likely to be quite small; perhaps 10% or less.

Medi-Cal revenue offsets overstated (Restoration amount from the State: \$2,966,485)

RESPONSE – The State Controller credited the County with the federal share of Medi-Cal revenue that was received for services found to be ineligible for SB 90 reimbursement. This credit should be adjusted accordingly if the State Controller restores disallowed services or costs outlined in this response.

Data to P-fute Finding # 5, EPSDT Offset

San Ma. County Mentai Health, FY 94-95, 95-96, 96-97, 97-98

IEP 3632 Youth Med-Cal Units Above the Baseline as Percentage of all <21 Medi-Cal Units Above the Baseline Same Percentage Applied to State General Fund EPSDT Match \$ Produces Correct EPSDT Offset of SB 90 Claim

94-95	Baseline*	•	Units Above Base IEP3632 MC 0	Units Above Base All MC <21	% 3632 Related			SGFEPSDT (OFFSET) Growth \$ Related to 3632 Youth		
95-96	• •		218,454	962,985		22.69%	\$479,000	•	\$100 cco	
. 96-97 97-98			64,139			11.22%		•	\$108,662 \$68,607	
TOTAL		-	-5,125	459,476		-1.12%	40,00,000		-\$10,917	
			· ·		•		\$2,069,194		\$166,352	

* The baseline Medi-Cal units of service for IEP/3632 youth was 863,354.

The baseline Medi-Cal units of service for Medi-Cal beneficiaries was 2,372,274.

The State Controller's Office deducted all state general fund EPSDT Medi-Cal match from the claimed SB 90 costs. San Mateo County Mental Health contends only the match corresponding to services for the IEP/3632 youth should be deducted, and only that portion above the "baseline" year FY 94-95 established by the State.

MHShared/SB90/IEP_EPSDT_SummaryforAuditresponse 9/23/02 8:36 AM

Date of data run: 8/22/02 "IEP_Medical_Billed

Data includes all Medi-Cal services for <21 clients. From client episodes it was determined if a client was 3632 ("IEP"). If client = IEP, then all MediCal services were defined as "IEP Medical". Units of services are units of time (per CSI)

94-95 is baseline year for State EPSDT cost settlement (cost of service to <21 MediCal clients). Columns in spreadsheet:

 IEP3632 MC
 Total Medi-Cal units for 3632 <21 clients.</td>

 All MC <21</td>
 Total Medi-Cal units for all <21 clients (3632 and non-3632).</td>

 % 3632 Related
 % of total <21 Mcal units accounted for by 3632 clients</td>

 SGFEPSDT\$
 Total state general fund EPSDT match deposits in IFAS for each fiscal year (regardless of year earned)

 EPSDT\$ settled from the state represent costs for <21 Mcal clients above \$ spent in 94-95</td>

 (baseline year).

SGFEPSDT

Growth \$ Related to 3632 Youth Portion of EPSDT revenue as

Portion of EPSDT revenue ascribed to 3632 clients.

Method:

Calculates the proportion of state EPSDT revenue for 3632 clients, based on total % of <21 MediCal units that year for 3632 clients</p>

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On August 27, 2015, I served the:

SCO Comments

Handicapped and Disabled Students, 05-4282-I-03 Government Code Sections 7570-7588; Statutes 1984, Chapter 1747 (AB 3632); Statutes 1985, Chapter 1274 (AB 882); California Code of Regulations, Title 2, Sections 60000-60200 (Emergency regulations effective January 1, 1986 [Register 86, No. 1], and re-filed June 30, 1986, effective July 12, 1986 [Register 86, No. 28] Fiscal Years 1996-1997, 1997-1998, and 1998-1999 County of San Mateo, Claimant

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 27, 2015 at Sacramento, California.

Lorenzo Duran

Commission on State Mandates 980 Ninth Street, Suite 300 Sacramento, CA 95814 (916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 7/28/15

Claim Number: 05-4282-I-03

Matter: Handicapped and Disabled Students

Claimant: County of San Mateo

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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