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June 6, 2023

The Honorable Board of Supervisors
Administration Building
1221 Oak Street
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SUBJECT: AUTHORIZE PAYMENTS FOR CONTINUITY OF CARE AND NETWORK ADEQUACY FOR ALAMEDA COUNTY MEDI-CAL BENEFICIARIES FOR FISCAL YEARS 2024 – 2026, UP TO THE AMOUNT OF \$750,000

Dear Board Members:

RECOMMENDATIONS

- A. Approve the use of Single Case Agreements as needed with out-of-network service providers for behavioral health services to maintain continuity of care and network adequacy for Alameda County Medi-Cal beneficiaries in accordance with regulatory requirements, up to a maximum funding allocation of \$750,000 from July 1, 2023 – June 30, 2026; and
- B. Delegate authority to the Agency Director, or designee, to execute and make payments under the Single Case Agreements, subject to review and approval as to form by County Counsel and submit executed copies to the Clerk of the Board for filing.

DISCUSSION/ SUMMARY

Alameda County Behavioral Health Care Services (ACBH) is requesting approval to authorize payments for out-of-network services for Alameda County Medi-Cal beneficiaries to maintain compliance with continuity of care and network adequacy requirements that fall under the responsibility of ACBH per regulations and our State-County agreements.

The California Department of Health Care Services (DHCS) has stipulated in our State-County agreements and via Mental Health and Substance Use Disorder Services (MHSUDS) Information Notices 18-011 and 18-059 that ACBH, as a county Medi-Cal Mental Health Plan (MHP) and Drug Medi-Cal Organized Delivery System (DMC-ODS), must comply with federal network adequacy and continuity of care standards.

In the past, ACBH has covered this responsibility by entering into ongoing master and services-as-needed (SAN) contracts with behavioral health providers in Alameda County and other areas of the State. ACBH will continue to provide the majority of the behavioral health services under the MHP and DMC-ODS for Alameda County Medi-Cal beneficiaries under these contracts.

In recent years a challenge has emerged when an Alameda County beneficiary requires time-limited and/or highly specialized services as required under continuity of care or network adequacy from a program that does not fall under an existing ACBH contract. ACBH is challenged with being able to set up new contracts within the specified standards for timeliness, such as processing requests for out-of-network access within three calendar days if there is a risk of harm to the client. Additionally, some providers have noted that they do not want to engage in the Alameda County contracting process because it is cumbersome and not required by other counties that have developed systems to streamline the process, resulting in ACBH at risk for being out of compliance with Federal and State law and in its contract with DHCS.

Your Board has authorized ACBH to enter into Single Case Agreements annually since Fiscal Year 2020. To date, ACBH has been able to establish agreements with seven mental health providers and organizations; each agreement is specific to an individual client and provides access to quality services in accordance with regulatory requirements to promote client stability and step down to lower levels of care.

ACBH currently projects that authorization to pay for out-of-network services for Medi-Cal beneficiaries will be approximately \$250,000 per year to meet this need. All invoices are reviewed by ACBH staff to ensure that only authorized services are reimbursed by the County to the out-of-network provider.

SELECTION CRITERIA

On January 14, 2020 (Item No. 8), your Board initially approved ACBH to enter into Single Case Agreements to comply with regulatory requirements for continuity of care and network adequacy. On May 24, 2022 (Item No. 7), your Board most recently approved ACBH to enter into Single Case Agreements for FY 2023. Under this process, treatment of an Alameda County resident will be authorized in accordance with Medi-Cal MHP and DMC-ODS regulatory requirements, and on the basis of the ACBH Policy for Out-of-Network Access and Continuity of Care for Medi-Cal Specialty Mental Health Services and Substance Use Disorder Services.

FINANCING

Appropriations for these services will be offset by 1991 Realignment and 2011 Realignment revenue already included in the ACBH Fiscal Year 2023-24 Approved Budget and will be requested in subsequent years. Approval of these recommendations will have no impact on net County costs.

VISION 2026 GOAL

Payments to out-of-network service providers for continuity of care and network adequacy meets the 10X goal of **Healthcare for All** in support of the shared vision of a **Thriving and Resilient Population**.

Sincerely,

DocuSigned by:

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Colleen Chawla, Director
Health Care Services Agency

CC/WV/ar