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# County of Santa Cruz

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## HEALTH SERVICES AGENCY

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### MEDI-CRUZ DIVISION

October 2, 2001

AGENDA: October 16, 2001

BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

### RE: APPLICATION FOR CALIFORNIA HEALTHCARE FOR INDIGENTS PROGRAM (CHIP) FUNDING FOR FY 2001-02

Dear Members of the Board:

The California Healthcare for Indigents Program (CHIP) which is funded by Proposition 99 Tobacco Tax revenues was reauthorized for FY 2001-02. Consequently, CHIP funds are available to help finance the delivery of health care services to low-income individuals not otherwise eligible for state or federally sponsored assistance. As in the past, to obtain these funds the County must apply to the State Department of Health Services. A copy of the application is attached to this letter.

CHIP funding is established in the enabling legislation but is subject to change. The Department of Finance may recommend reductions if Tobacco Tax revenue falls below projected levels. The legislature may also reallocate funds among the many programs supported by the tobacco tax or redirect funds to support state programs, as it elected to do in previous budgets. The CHIP allocation tables recently received from the State indicate that overall CHIP funding has been reduced by twenty percent compared to FY 2000-01. This decrease offsets a seventeen percent overall improvement in funding that was realized last year. However, changes in the individual accounts that make up CHIP have varied dramatically

The total CHIP allocation for FY 2001-02 is \$107,313 below the funding level anticipated in the HSA Indigent Care budget. The shortfall in the amounts allocated to each CHIP account are as follows: the Hospital allocation is \$72,544 below budget, the Physician allocation is \$17,137 below budget, and the Other Services allocation is \$17,622 below budget. Accumulated interest is available in each account within the CHIP Trust Fund to offset the revenue shortfalls and maintain CHIP expenditures at budgeted levels. Therefore, HSA is not recommending any changes to the budget amounts at this time.

Board of Supervisors  
October 16, 2001  
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Given the County's experience with the State over the past few years with respect to CHIP, there seems to be diminishing assurance that the amounts specified in the FY 2001-02 allocation tables will remain unaltered during the course of the year. The initial allocations have been revised twice each year over the past two fiscal years, with the second reduction each year coming after the close of the fiscal year. Revisions to the Other Services account are of particular concern because it directly supports Medi-Cruz activities. These revisions are not directly proportional to reductions in tobacco tax revenues

The diminishing and precarious nature of CHIP funding, when considered in relation to Child Health and Disability Prevention (CHDP) treatment obligation mandated in conjunction with receipt of the funds, requires careful review of the County's perceived benefits from continued participation in CHIP. Given the FY 2001-02 allocation figures, the cost of CHDP related treatment services more than offsets all of the CHIP money available to help support Medi-Cruz. There is no longer a financial benefit to the indigent care program associated with CHIP participation. However, the benefits to Dominican and Watsonville hospitals and the patients they serve cannot be ignored; nor can the benefit to children receiving treatment services associated with their CHDP exams. If the County declined to participate in CHIP, the hospitals and children would be the major losers. CHIP funds do soften the impact of diminishing safety net programs while the numbers of the uninsured continue to grow. A decision not to secure available CHIP funds for the hospitals could result in greater demands for Medi-Cruz. HSA remains disappointed with the State's failure to address the pressing financial issues associated with the provision of indigent medical services.

It is, therefore, RECOMMENDED that your Board:

- 1) Approve submission of the attached Application for California Healthcare for Indigents Program (CHIP) Funding for FY 2001-02 and authorize the Health Services Agency Administrator to sign; and
- 2) Authorize the Health Services Agency Administrator to sign the CHIP Expenditure Description Report for FY 2001-02 that describes how the County will expend the CHIP funds.

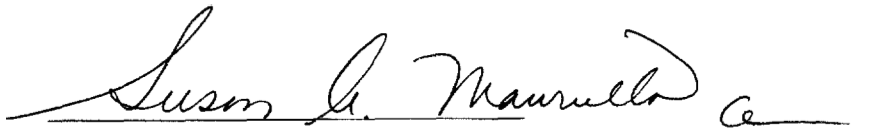
Sincerely,



Rama Khalsa, Ph.D.  
Health Services Agency Administrator

Attach.

RECOMMENDED

A handwritten signature in black ink, reading "Susan G. Mauriello", written over a horizontal line.

Susan Mauriello  
County Administrative Officer

cc: County Administrative Officer  
Auditor-Controller  
County Counsel  
HSA Administration  
Medi-Cruz

CHIP/012APPNEW

**COUNTY OF SANTA CRUZ  
REQUEST FOR APPROVAL OF AGREEMENT**

0102

TO: Board of Supervisors  
County Administrative Office  
Auditor Controller

FROM: Health Services Agency (Department)

BY: Ram Klewson (Signature) Oct 5, 01 (Date)  
Signature certifies that appropriations/revenues are available

AGREEMENT TYPE (Check One)

Expenditure Agreement

Revenue Agreement

The Board of Supervisors is hereby requested to approve the attached agreement and authorize the execution of same.

1. Said agreement is between the Health Services Agency (Department/Agency)

and State Dept. of Health Services, 1800 3rd St. Rm. 100, Sacramento CA 94234 (Name/Address)

2. The agreement will provide revenue to the County for the California Healthcare for Indigents  
Program (CHIP).

3. Period of the agreement is from July 1, 2001 to June 30, 2002

4. Anticipated Cost is \$ N/A  Fixed  Monthly Rate  Annual Rate  Not to Exceed

Remarks: Revenue Agreement

5. Detail:  On Continuing Agreements List for FY 01-02, page CC- 27 Contract No: R672 OR  1<sup>st</sup> Time Agreement  
 Section II No Board letter required, will be listed under Item 8  
 Section III Board letter required  
 Section IV Revenue Agreement

0672  
0674

6. Appropriations/Revenues are available and are budgeted in 365001 (Index) 0676 (Sub object)

NOTE: IF APPROPRIATIONS ARE INSUFFICIENT, ATTACHED COMPLETED AUD-74 OR AUD-60

Appropriations  are available and  have been encumbered.  
 are not available and  will be

Contract No: R672

By: Adam J. Vido  
Auditor-Controller Deputy

Date: 10/3/01

Proposal and accounting detail reviewed and approved. It is recommended that the Board of Supervisors approve the agreement and authorize

(Dept/Agency Head) to execute on behalf of the

(Department/Agency)

Date: 10/05/01

By: Ch. Sel  
County Administrative Office

Distribution:

Board of Supervisors - White  
Auditor Controller - Canary  
Auditor-Controller - Pink  
Department - Gold

State of California  
County of Santa Cruz

I \_\_\_\_\_ ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing request for approval of agreement was approved by said Board of Supervisors as recommended by the County Administrative Office by an order duly entered in the minutes of said Board on \_\_\_\_\_ 2001

ADM - 29 (8/01)  
Title I, Section 300 Proc Man

By: Deputy Clerk

AUDITOR-CONTROLLER USE ONLY

CO- \_\_\_\_\_ to \_\_\_\_\_  
Document No. JE Amount Lines H/TL Keyed By Date

TC110  
24 Auditor Description \$Amount Index Subobject User Code

**COPY**

**APPLICATION**  
**FOR**  
**CALIFORNIA HEALTHCARE FOR INDIGENTS PROGRAM FUNDING**  
**FOR**  
**FISCAL YEAR 2001-02**

The County of Santa Cruz (hereinafter called the County), hereby applies to the California Department of Health Services (hereinafter called the Department), for its allocation of fiscal year (FY) 2001-02 California Healthcare for Indigents Program (CHIP) funds (hereinafter called CHIP funds), determined according to Chapter 5 of Part 4.7 of Division 9 of the Welfare and Institutions (W&I) Code, commencing with Section 16940.

This Application contains the assurances which the County must make in order to receive its CHIP funds. In submitting this Application, the County hereby assures the Department that it will comply with all statutory provisions applicable to the receipt and use of these funds. In the event of subsequent statutory amendment or Budget Act language to W&I Code Section 16900 et seq., the amended statute shall be controlling.

(W&I Code Section 16980 (a))

As a condition of receiving CHIP funds, the County assures that:

**GENERAL REQUIREMENTS**

1. (a) CHIP funds will be expended to supplement existing levels of services provided and will not be used to fund existing levels of services.

(Section 23 of Chapter 199, Statutes of 1996 - Assembly Bill (AB) 3487)

(b) CHIP funds will not be used to support health services provided to persons detained in a county or city jail or other correctional facility.

(W&I Code Section 16995)

(c) All providers receiving any CHIP funds will not require a fee or charge before they render medically necessary services to persons entitled to services supported by CHIP funds.

(W&I Code Sections 16942(a) and 16804.1)

(d) Accepting CHIP funds does not relieve the County of its obligation to provide indigent health care as required by W&I Code Section 17000.

(W&I Code Section 16995.1)

(e) Facilities receiving CHIP funds will be required to provide individual notice at the time treatment is sought as to the availability of reduced cost health care and conspicuously post notices of the procedures for applying for reduced cost health care in all emergency rooms and patient waiting rooms for services supported by CHIP funds.

(W&I Code Sections 16942(a) and 16818)

2. (a) As a condition of receiving CHIP funds, it will provide, or arrange and pay for, medically necessary follow-up treatment, including prescription drugs and necessary follow-up dental treatment at least equal in scope and frequency to dental services available to Medi-Cal eligible children of the same age, for any condition detected as part of a Child Health and Disability Prevention (CHDP) screen for any child eligible for services under Section 104395 of the Health and Safety Code, if the child was screened by the County, or upon referral by a CHDP Program provider, unless the child is eligible to receive care with no share of cost under the Medi-Cal Program, or is covered under another publicly funded program, or the services are payable under private insurance coverage.

(W&I Code Sections 16970(a) and (c))

(b) Noncounty hospitals which receive a formula allocation pursuant to paragraph 10, and physicians who receive payment from the Physician Services (PS) Account of the Emergency Medical Services (EMS) fund, established pursuant to paragraph 25, will not be required to participate in complying with the CHDP treatment provisions of paragraph 2(a) as a condition of receiving those allocations or payments.

(W&I Code Section 16970(b)(1))

(c) Only providers that contract with the County and receive payments of Noncounty Hospital Discretionary, Physician New Contract, and Other Health Services funds specified in paragraphs 12, 30, and 31 may be required to participate in complying with the CHDP treatment provisions of paragraph 2(a), as a condition of receiving those payments.

(W&I Code Section 16970(b)(2))

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(d) The CHDP treatment provisions of paragraph 2(a) will be implemented in consultation and coordination with the County's CHDP Programs.  
(W&I Code Section 16970(d))

### ADMINISTRATION OF FUNDS

3. Prior to transferring or expending any CHIP funds received, the County will:

(a) Deposit the CHIP funds received in a special revenue fund or trust fund (hereinafter called the Fund) established solely for the purposes of the provisions of Part 4.7 (commencing with Section 16900) of Division 9 of the W&I Code.  
(W&I Code Sections 16909(a) and (b))

(b) Establish a Hospital Services Account in the Fund and deposit all hospital funds received pursuant to paragraph 9 in that account. The County further assures that it will establish a Noncounty Hospital Subaccount in the Hospital Services Account and deposit all Noncounty Hospital Formula and Discretionary funds received pursuant to paragraphs 10 and 12, in that subaccount. If the County owns and operates a county hospital, the County further assures that it will establish a County Hospital Subaccount in the Hospital Services Account and deposit all County Hospital Discretionary funds received pursuant to paragraph 15, in that subaccount.  
(W&I Code Sections 16909(a) and (b))

(c) Establish a PS Account in the Fund and deposit all PS funds received pursuant to paragraph 24 in that account. The County further assures that it will establish an EMS Subaccount in the PS Account and deposit all PS funds proposed for expenditure pursuant to paragraph 25, in that subaccount prior to transferring the funds to any other account. If the County chooses to expend Physician New Contract funds pursuant to paragraph 30, the County assures that it will establish a Physician New Contract Subaccount in the PS Account and deposit all Physician New Contract funds proposed for expenditure pursuant to paragraph 30, in that subaccount.  
(W&I Code Sections 16909(a) and (b))

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(d) Establish an Other Health Services Account in the Fund and deposit all Other Health Services funds received pursuant to paragraph 31, in that subaccount.

(W&I Code Sections 16909(a) and (b))

**INTEREST EARNINGS ON THE FUND**

4. (a) All interest earned on the Fund and on each account or subaccount will be accrued to the benefit of the Fund, account, or subaccount, respectively, and all accrued interest will be expended for the same purposes as the other funds in the Fund, accounts, or subaccounts, respectively.

(W&I Code Section 16909(c)(1))

(b) All interest or other increments earned on the Noncounty Hospital Subaccount will be expended on noncounty hospitals pursuant to the provisions of paragraphs 10 and 12.

(W&I Code Section 16909(c)(2))

**ADMINISTRATIVE COSTS**

5. County administrative costs associated with the administration of the Fund and each account or subaccount will be reimbursed from the Fund, account, or subaccount, respectively. The County further assures that it will not reduce or utilize Noncounty Hospital Formula funds received pursuant to paragraph 10, to offset the costs of administering the Noncounty Hospital Services Subaccount.

(W&I Code Sections 16909.1 and 16946(b)(1)(E))

**REPORTING**

6. (a) Information on programs and services which will receive CHIP funds will be included in the County's Description of Proposed Expenditures of CHIP Funds and will be subject to review and approval by the Department for compliance with Part 4.7 (commencing with Section 16900) of Division 9 of the W&I Code.

(W&I Code Section 16980(b)(1))

(b) Indigent health care program demographic, expenditure, and utilization data will be reported as specified by the Department pursuant to the provisions of W&I Code Section



16915 and the procedures specified by the Department.  
(W&I Code Section 16915)

(c) Services, associated costs, and socio-demographic characteristics of persons served under W&I Code Section 17000 and persons supported in whole or in part by CHIP funds will be incorporated into the reports required pursuant to W&I Code Section 16915.

(W&I Code Section 16942(c))

(d) The County will include an estimate of, and the costs and funding arrangement for, dental services in its Description of Proposed Expenditures of CHIP Funds.

(W&I Code Section 16980(b)(2))

(e) The County will submit reports which display cost and utilization data for each account in the Fund as specified in the W&I Code Section 16909 to the Department on a preliminary annual and a final annual basis, in a form prescribed by the Department.

(W&I Code Section 16909(d))

(f) The County will provide the Department with information the Department deems necessary to determine compliance with the provisions of Part 4.7 (commencing with Section 16900) of Division 9 of the W&I Code. The information will be provided according to the procedures and due dates established by the Department.

(W&I Code Section 16981(a))

#### **FISCAL ASSURANCES**

7. (a) CHIP funds will be accounted for as revenue in the Description of Proposed Expenditures of CHIP Funds and in other information required by the Department.

(W&I Code Sections 16990(c) and 16981)

(b) CHIP funds will not be used as county matching funds for any other program requiring a county match.

(W&I Code Section 16990(c))

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(c) The County will, at a minimum, maintain a level of financial support of county funds for health services as specified in W&I Code Section 16990. This amount will not include any county funds expended pursuant to W&I Code Section 16809.3. Net disproportionate share hospital revenues shall be included in computing county financial maintenance of effort only as specified in the W&I Code Section 16990.5. (W&I Code Sections 16990 and 16990.5)

(d) In accordance with procedures established by the Department, the County may, upon notifying the Department of the transfers authorized pursuant to Section 17600.20, reduce the level of financial maintenance of effort specified in subparagraph (c) by the amount of funds transferred from the Health Account of the Local Revenue Fund pursuant to W&I Code Section 17600.20 for FY 2001-02. (W&I Code Section 16990(a)(2))

(e) If the County desires to use any of its CHIP allocation for programs and costs not associated with county health services as defined in W&I Code Section 16801 the County, as a condition of using its allocation for these purposes, will maintain an amount of county funding for those programs and costs at least equal to 1988-89 fiscal year levels. (W&I Code Section 16990(b))

#### RECOUPMENT/WITHHOLD

8. (a) In the event financial support of county funds for health services is less than the amount specified in paragraph 7(c), the Department will recover the amount of the difference from the CHIP funds provided to the County proportionately from the Hospital Services Account, the PS Account, and the Other Health Services Account. (W&I Code Sections 16981(b) and 16990(d))

(b) In the event financial support of county funds for programs and costs not associated with county health services as defined in W&I Code Section 16801 is less than the FY 1988-89 levels for those services, the Department will recover the amount of the difference from the CHIP funds provided to the County. (W&I Code Sections 16981(b) and 16990(b))

(c) CHIP funds will be returned to the Department if they are not encumbered or expended within the fiscal year according to this Application, and the requirements of Chapter 5 (commencing with Section 16940) of Part 4.7 of Division 9 of the W&I Code.

(W&I Code Section 16981(b))

(d) The Department will withhold payment of any funds specified in this Application and W&I Code Section 16900 et seq., if any of the reports specified in this Application and W&I Code Section 16900 et seq., have not been received from the County by the dates specified therein, unless an extension for submission of such reports is formally granted by the Department. Any funds withheld from the County pursuant to this Article will be released upon receipt of the required reports by the Department.

(W&I Code Sections 16916 and 16942)

(e) The Department will conduct fiscal and program reviews to ensure county compliance with the provisions of this Application. The Department may withhold funds, up to the total amount of funds allocated under this Application, if the county fails to correct deficiencies in the program after receiving written notice of noncompliance from the Department.

(W&I Code Section 16981(a))

#### **HOSPITAL SERVICES**

9. The County will expend the Hospital Services funds received pursuant to W&I Code Section 16943 to support uncompensated services provided during FY 2001-02 by county and noncounty hospitals.

(W&I Code Sections 16941, 16943(b)(c) (e) and (f))

#### **NONCOUNTY HOSPITAL FORMULA FUNDS**

10. The County will allocate the Noncounty Hospital Formula funds received pursuant to paragraph (1) of subdivision (b) of W&I Code Section 16946, to noncounty hospitals within the County in amounts determined pursuant to paragraph (1) of subdivision (b) of W&I Code Section 16946 for support of services provided by noncounty hospitals to any eligible patient treated at any time during the FY 2001-02.

(W&I Code Sections 16945, 16946(a) (1) and (b) (1)(A))

11. (a) Each noncounty hospital's share of Noncounty Hospital Formula funds specified in paragraph 10 will be distributed to each noncounty hospital within ten (10) working days of receipt of monthly CHIP payments.  
(W&I Code Section 16948(a))
- (b) Each noncounty hospital will provide posted and individual notices pursuant to Section 16818 for the duration of any quarter during which funds allocated pursuant to paragraph (1) of subdivision (b) of W&I Code Section 16946 are used.  
(W&I Code Section 16946(b)(1)(D))
- (c) Each noncounty hospital will account for the funds on a quarterly basis.  
(W&I Code Section 16946(b)(1)(B))

**NONCOUNTY HOSPITAL DISCRETIONARY FUNDS**

12. The County will distribute the Noncounty Hospital Discretionary funds received pursuant to paragraph (2) of subdivision (b) of W&I Code Section 16946 to noncounty hospitals to maintain access to emergency care and to purchase other necessary hospital services provided during FY 2001-02.  
(W&I Code Sections 16945 and 16946(b)(2)(A)(i))
13. The funds specified in paragraph 12 will be distributed only after consulting with those hospitals and considering the following:
- (a) The historic and projected patterns of care provided by hospitals, by geographic catchment areas within both urban and nonurban areas.  
(W&I Code Section 16946(b)(2)(B)(i))
- (b) The unique costs associated with treating disproportionate numbers of severely ill, indigent patients.  
(W&I Code Section 16946(b)(2)(B)(i))
- (c) The disproportionate losses sustained by hospitals in the provision of care.  
(W&I Code Section 16946(b)(2)(B)(i))

(d) The patterns of care of its residents provided by Level I trauma care hospitals in contiguous counties and the County, may make proportionate allocations to those trauma centers.  
(W&I Code Section 16946(b)(2)(B)(ii))

(e) The use of those funds to meet emergency room patient needs and follow-up treatment, including the need for special hospital services.  
(W&I Code Section 16949(c))

14. When contracting with hospitals in neighboring counties for emergency care, the County will not impose conditions to accept transfers that it does not impose on hospitals within its own boundaries.  
(W&I Code Section 16946(b)(2)(A)(ii))

#### COUNTY HOSPITAL FUNDS

15. The County will expend the County Hospital funds received pursuant to subdivision (c) of W&I Code Section 16946 for payment or support of services provided in county or noncounty hospitals as determined by the County during FY 2001-02.  
(W&I Code Sections 16945, 16946(a)(2) and (c))

#### REQUIREMENTS

16. As a condition of receiving the Hospital Services funds specified under paragraph 9, each county and noncounty hospital will be required to do all of the following:
- (a) Maintain the same number and classification of emergency room permits and trauma facility designations as existed on January 1, 1990. This condition will be deemed to be met for any hospital that maintained two special permits for basic emergency services on July 1, 1989, if each of the emergency rooms was located on separate campuses of the hospital and was located not more than two miles from the other emergency room. This condition will also be deemed to be met even if one of the emergency room permits is surrendered after July 1, 1989.  
(W&I Code Sections 16946(d)(1)(A) and (B)(i)(ii))

(b) In a county that comprises not more than one-half of one percent (1%) of the total state population and in which there is a county hospital and a noncounty hospital with emergency room permits located within two miles of each other, the county hospital may surrender its emergency room permit without penalty for violation of paragraph (a) above provided all requirements of W&I Code Section 16946(h) are met. If the Department determines that the County is not in compliance with the requirements of subdivision (h) of W&I Code Section 16946 it will require the County to recover funds and deny further payments pursuant to subdivision (e) of W&I Code Section 16946, until compliance is resumed.

(W&I Code Section 16946(h))

(c) Provide data and reports on the use and expenditure of all funds received in a form and according to procedures specified by the County and the Department.

(W&I Code Section 16946(d)(2))

(d) Assure that Noncounty Hospital Discretionary and County Hospital Discretionary funds received pursuant to paragraphs 12 and 15 are used only for services for persons who cannot afford to pay for those services, and for whom payment will not be made through any private coverage or by any program funded in whole or in part by the federal government.

(W&I Code Section 16946(d)(3))

(e) Assure that Noncounty Hospital Formula funds allocated pursuant to paragraph 10 are used only for patients who cannot afford to pay or who meet the Office of Statewide Health Planning and Development's definition of charity care as prescribed under subdivision (d) of Section 128740 of the Health and Safety Code and for whom payment will not be made through any private coverage or by any program funded in whole or in part by the federal government.

(W&I Code Sections 16946(d)(3) and 16908.5)

(f) Cease all current and waive all future collection efforts, by itself and by its agents, to obtain any payment from the patient with respect to whom the services funded with funds specified in paragraph 9 were rendered within ninety (90) days of the receipt of those funds.

(W&I Code Section 16947(a))

(g) Notify the County if the hospital receives payment from a patient or responsible third-party payer and reimburse the County in an amount equal to the amount collected from the patient or third-party payer, but not more than the amount of the payment received from the County for the patient's care. (W&I Code Section 16947(c))

17. As a condition of receiving the hospital funds specified under paragraph 9, each noncounty hospital will be required to report to the County within thirty (30) days after the receipt of Noncounty Hospital Formula funds distributed pursuant to paragraph 10, information on patients for whom the distributions will be used, pursuant to the requirements of W&I Code Section 16909. (W&I Code Section 16948(b))

18. Hospitals receiving Noncounty Hospital Discretionary funds under paragraph 12 will be required to report to the County and the Office of Statewide Health Planning and Development on any reduction in hospital emergency room specialist capabilities below the level which was provided at that facility on October 2, 1989. (W&I Code Section 16949(d))

**RECOVERY, WITHHOLD, AND SUSPENSION OF PAYMENTS TO HOSPITALS**

19. The County will recover from any county or noncounty hospital:

(a) That portion of funds received which equal the ratio of the number of months the hospital violates the provisions of paragraph 16(a) to twelve (12) months. (W&I Code Section 16946(e)(1)(A))

(b) All funds received if the hospital violates the provisions of paragraph 16(c). (W&I Code Section 16946(e)(1)(B))

(c) The difference between the amount received and the amount which the hospital can document that the funds were used according to the provisions of paragraphs 16(d) and 16(e) on a monthly basis. (W&I Code Section 16946(e)(1)(C))

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20. Further payment of funds may be denied to a hospital which has violated the provisions of paragraphs 16 through 18 until the hospital demonstrates compliance.  
(W&I Code Section 16946(e)(2))
21. Payments to any noncounty hospital will be suspended if the hospital fails to provide the information required in paragraph 17.  
(W&I Code Section 16948(c))

**REALLOCATION AND REDISTRIBUTION**

22. Funds withheld or recovered pursuant to paragraph 19 may be reallocated and distributed according to the Noncounty Hospital Discretionary provisions contained in paragraphs 12 and 13.  
(W&I Code Section 16946(f))
23. Noncounty Hospital Formula and Discretionary funds available for allocation or distribution pursuant to paragraphs 10 and 12, which are not expended because a hospital does not participate will be redistributed pursuant to the Noncounty Hospital Discretionary provisions contained in paragraph 12. If no noncounty hospitals remain to participate, the County may distribute the unexpended funds pursuant to the County Hospital Discretionary provisions contained in paragraph 15.  
(W&I Code Section 16946(g))

**PHYSICIAN SERVICES**

24. The County will expend the PS funds received pursuant to subdivision (a) of W&I Code Section 16950, for the support of or payment for uncompensated services provided during FY 2001-02 by a licensed physician.  
(W&I Code Sections 16908, 16941, and 16950(a))

**EMERGENCY MEDICAL SERVICES FUND - PHYSICIAN SERVICES ACCOUNT**

25. As a condition of receiving CHIP funds, the County will:
- (a) Establish an EMS fund as authorized by subdivision (a) of Health and Safety Code Section 1797.98a. This shall not be interpreted to require the County to impose the assessment authorized by Section 1465.5 of the Penal Code.  
(W&I Code Section 16951)



(b) Establish a PS Account within the EMS fund and deposit in the PS Account at least fifty percent (50%) of the PS amount specified in paragraph 24 and any other funds appropriated by the Legislature for the purposes of the PS Account of the EMS fund.

(W&I Code Sections 16950 (c) and 16952 (a) (1))

(c) Funds deposited in the PS Account in the EMS fund are exempt from the percentage allocations set forth in subdivision (a) of Section 1797.98a of the Health and Safety Code.

(W&I Code Section 16952(b))

**EMERGENCY MEDICAL SERVICES FUND - PHYSICIAN SERVICES ACCOUNT**  
**PURPOSE AND USE OF FUNDS**

26. The PS Account in the EMS fund will be used to reimburse physicians for losses incurred for services provided during FY 2001-02 and the County will:

(W&I Code Section 16952(f))

(a) Limit reimbursement to emergency services, as defined in W&I Code Section 16953, obstetric services, as defined in W&I Code Section 16905.5, and pediatric services, as defined in W&I Code Section 16907.5.

(W&I Code Section 16952(g)(1))

(b) Reimburse each physician for no more than fifty percent (50%) of the losses submitted.

(W&I Code Section 16952(h))

(c) Not reimburse for physician services provided by physicians employed by county hospitals.

(W&I Code Section 16952(b))

(d) Not reimburse any physician who provides physician services in a primary care clinic which receives funds pursuant to Part 4 of Division 106 of the Health and Safety Code commencing with Section 124900.

(W&I Code Section 16952(b))

(e) Limit reimbursement for losses incurred by any physician for services provided to patients who cannot afford to pay for those services, and for whom payment will not be made through

any private coverage or by any program funded in whole or in part by the federal government, and where all of the following conditions have been met:

(W&I Code Sections 16952(f) and (g))

(i) The physician has inquired if there is a responsible third-party source of payment.

(W&I Code Section 16955(a))

(ii) The physician has billed for payment of services.

(W&I Code Section 16955(b))

(iii) A period of not less than three months has passed from the date the physician billed the patient or responsible third-party, during which time the physician has made reasonable efforts to obtain reimbursement and has not received reimbursement for any portion of the amount billed, or the physician has received actual notification from the patient or responsible third party that no payment will be made for the services rendered by the physician.

(W&I Code Section 16955(c))

(iv) The physician has stopped any current, and waives any future, collection efforts to obtain reimbursement from the patient, upon receipt of funds from the County PS Account in the County EMS fund.

(W&I Code Section 16955(d))

**EMERGENCY MEDICAL SERVICES FUND - PHYSICIAN SERVICES ACCOUNT**  
**ADMINISTRATIVE COSTS**

27. The County will expend no more than ten percent (10%) of the amount deposited in the PS Account of the EMS fund pursuant to paragraph 25 for costs of administering the PS Account.

(W&I Code Section 16952(d))

**EMERGENCY MEDICAL SERVICES FUND - PHYSICIAN SERVICES ACCOUNT**  
**EXPENDITURES**

28. The County will provide a reasonable basis for its estimate of PS Account funds in the EMS fund which are encumbered to reimburse physicians losses incurred during the fiscal year for which bills **will** not be received until after the fiscal

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year and agrees to expend or disencumber these funds prior to the submission of the Report of Actual Expenditures required by W&I Code Section 16980.  
(W&I Code Section 16952(a)(2))

EMERGENCY MEDICAL SERVICES FUND - PHYSICIAN SERVICES ACCOUNT PROCEDURES

29. The County will:

(a) Establish procedures and time schedules for submission and processing of reimbursement claims submitted by physicians.  
(W&I Code Section 16956(a))

(b) Establish schedules for payment which will provide for disbursement of the funds available in the PS Account of the EMS fund periodically and at least annually to all physicians who have submitted claims containing accurate and complete data for payment by the dates established by the County.  
(W&I Code Section 16956(b))

(c) Deny, at its discretion, claims which are not supported by records and recover any reimbursement paid to any physician for claims which lack supporting records.  
(W&I Code Section 16956(c))

(d) Require a listing of patient names to accompany a physician's claim, and give full confidentiality protection to those names.  
(W&I Code Section 16956(e))

(e) Require physicians to notify the administering agency if, after receiving payment from the PS Account of the EMS fund, the physicians are reimbursed by patients or responsible third-parties. In these instances the County assures that it will reduce the physician's future payment of claims from the account or, in the event there is not a subsequent submission of a claim for reimbursement within one year, require the physicians to reimburse the PS Account of the EMS fund in an amount equal to the amount collected from the patient or third-party payer but not greater than the amount of reimbursement received from the PS Account of the EMS fund for the patient's care.  
(W&I Code Section 16958)

(f) Require physicians who submit claims for funding from the PS Account of the EMS fund to keep and maintain records of the services rendered, the person to whom services were rendered, and any additional information the administering agency may require, for a period of three years after the services were provided.

(W&I Code Section 16957)

### NEW CONTRACTS

30. (a) The difference between the Physician Services amount received in paragraph 24 and the amount transferred to the PS Account of the EMS fund pursuant to paragraph 25, will be expended by the County to pay for new contracts during FY 2001-02 with private physicians for provision of emergency, obstetric, and pediatric services in facilities which are not owned or operated by a county, and where access to those services has been severely restricted.

(W&I Code Section 16950 (b))

(b) The County will require physicians who receive funds specified in paragraph 30 to stop any current, and waive any future, collection efforts to obtain reimbursement from the patient, upon receipt of funds from the County. The contracts may provide for partial or full reimbursement for physician services provided to patients who cannot afford to pay for those services, and for whom payment will not be made through any private coverage or by any program funded in whole or in part by the federal government.

(W&I Code Section 16950(b))

### OTHER HEALTH SERVICES FUNDS - PURPOSE

31. The County will expend the Other Health Services funds received pursuant to W&I Code Section 16960 to maintain and enhance health care services which are:

(a) Provided during FY 2001-02.

(b) Specified in W&I Code Sections 14021 and 14132, and in former Division 1 (commencing with Section 100) and the Communicable Disease Prevention and Control Act as set forth in Subdivision (a) of Section 27, of the Health and Safety Code.

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(c) Provided to patients who cannot afford to pay for those services, and for whom payment will not be made through private coverage or by any program funded in whole or in part by the federal government.

(W&I Code Sections 16941, 16960(a), and 16961)

#### **OTHER HEALTH SERVICES FUNDS - CONSIDERATIONS AND LIMITATIONS**

32. No more than five percent (5%) of the Other Health Services funds specified in paragraph 31 or fifty thousand dollars (\$50,000), whichever is greater, will be expended for costs related to the purchase of equipment and fixed assets and that no single expenditure will exceed ten thousand dollars (\$10,000).

(W&I Code Section 16960(b))

33. Consideration will be given to city public health departments within the County in the use of Other Health Services funds specified in paragraph 31.

(W&I Code Section 16960(a))

#### **CONTRACTUAL CONSIDERATIONS AND LIMITATIONS**

34. The Department or County may terminate this Application by giving at least thirty (30) days written notice to the other party. The notification shall state the effective date of termination.

35. Nothing in this Application will be interpreted to require additional expenditures of County funds for health services beyond those required herein. Also, nothing in this Application will be interpreted to relieve the County of its other obligations to provide health care services to its residents.

36. The Application may be amended to conform to any applicable changes in the statutes governing the funds and programs covered in this Application.

37. Section 86 of SB 391 (Chapter 294, Statutes of 1997) is hereby incorporated by reference into this Application. Reductions in appropriations for CHIP pursuant to Section 86 shall be prorated among the Counties in CHIP and the allocations under

paragraphs 9, 10, 12, 15, 24, and 31, shall be reduced accordingly upon notification by the Department.

**APPEAL PROCESS**

38. The County may appeal a decision involving the CHIP by writing to the Department within twenty-one (21) working days of receipt of written notification. The County's appeal will be directed to the Department's Chief of the Medically Indigent Services Section. The appeal must clearly describe the issue(s) in question, the fiscal year applicable, and include all supporting documentation. The Department will issue a written decision to the County. The County may, within twenty-one (21) working days of receipt of this decision, pursue a second level appeal. The County must direct the second level appeal to the Department's Chief of the Office of County Health Services. The second level appeal must clearly describe the issue(s) in question, the fiscal year applicable, and include all supporting documentation.,.,.,The Chief of the Office of County Health Services has the authority to overrule any part or all of the first level appeal decision. The second level appeal decision is precedent and overrules the first level appeal decision. / The Department will issue a written decision to the County. There is no other level of appeal within the Department.

} NEW

THIS APPLICATION FOR FUNDING HAS BEEN SIGNED BY THE COUNTY'S GOVERNING BODY AND IS HEREBY EXECUTED.

STATE OF CALIFORNIA COUNTY OF \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Name : George B. (Peter) Abbott, M.D. Name : \_\_\_\_\_

Title: Chief, Office of County Health Services Title: \_\_\_\_\_

Date : \_\_\_\_\_ Date : \_\_\_\_\_