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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18999.98] (Division 9 added by Stats. 1965, Ch. 1784.)

PART 3. AID AND MEDICAL ASSISTANCE [11000 - 15771] (Part 3 added by Stats. 1965, Ch. 1784.)

CHAPTER 7.5. Protect Access to Health Care Act of 2024 [14199.100 - 14199.136] (Chapter 7.5 added November 5, 2024, by initiative Proposition 35, Sec. 1.)

ARTICLE 5. Input, Approvals, and Adjustments [14199.121 - 14199.122] (Article 5 added November 5, 2024, by initiative Proposition 35, Sec. 1.)

14199.121. Stakeholder Input

(a) (1) The department, or any other state government agency or entity that implements any part of this chapter, shall consult with, and obtain written input from, the stakeholder advisory committee regarding the development and implementation of the components of this chapter.

(2) Examples of matters for which the department shall consult with, and obtain written input from, the committee shall include, but are not limited to, the following:

(A) A proposal for, or the development of, a payment rate, supplemental payment, directed payment, or other payment methodology or methodologies.

(B) The establishment of the criteria or eligibility for increased payments or grants.

(C) The issuance of provider bulletins, all-plan letters, or other similar instructions or departmental guidance.

(b) Before proposing a new payment methodology or a change to an existing payment methodology pursuant to this chapter, the department shall consult with, and obtain written input from, the stakeholder advisory committee.

(c) An express reference elsewhere in this chapter to obtaining stakeholder committee input does not imply that stakeholder committee input is not required for other parts of this chapter where an express reference does not exist.

(Added November 5, 2024, by initiative Proposition 35, Sec. 1. Effective December 18, 2024. Approved in Proposition 35 at the November 5, 2024, election. Operative January 1, 2025, pursuant to Section 14199.135.)

14199.122. Implementation; Federal Financial Participation; Modifications and Adjustments Necessary for Federal Approval

(a) The department shall seek any federal approvals that are necessary to implement this chapter.

(b) The department shall, wherever possible and to the extent feasible, seek to obtain the maximum amount of federal financial participation in implementing this chapter.

(c) (1) The department may modify or make adjustments to the payment provisions set forth in Article 4 (commencing with Section 14199.109) to the extent necessary to accomplish any of the following:

(A) Meet the requirements of federal statutes or regulations.

(B) Obtain or maintain federal approval.

(C) Ensure federal financial participation is available or is not otherwise jeopardized.

(2) Any payment provision modification or adjustment described in paragraph (1) shall be subject to all of the following conditions:

(A) The modification or adjustment does not otherwise conflict with the purposes of this chapter.

(B) The modification or adjustment is consistent with the purpose of increasing payments and access to services pursuant to this chapter.

(C) The department shall comply with the stakeholder input requirements of Section 14199.121.

(d) (1) Payments made pursuant to Article 4 (commencing with Section 14199.109) shall be effective for dates of service on and after January 1, 2027. To the extent consistent with the purposes of this chapter, and unless otherwise specified in Article 4 (commencing with Section 14199.109), the department may, subject to the stakeholder input requirements of Section 14199.121, extend one or more payment methodologies used for the targeted payment increases for the 2026 calendar year pursuant to Section 14105.202 for purposes of implementing the increased payments pursuant to Article 4 (commencing with Section 14199.109) in the 2027 calendar year and subsequent calendar years as applicable.

(2) Unless otherwise specified in Article 4 (commencing with Section 14199.109), payments made pursuant to Article 4 (commencing with Section 14199.109) may be implemented using one or more of the following:

(A) Medi-Cal provider rate increases, including increases in rates paid in the Medi-Cal fee-for-service delivery system, or establishing or raising the level of minimum fee schedules in Medi-Cal managed care, or both.

(B) New or expanded supplemental payments for Medi-Cal providers.

(C) New or expanded directed payments for Medi-Cal providers.

(D) Other forms of increased reimbursement for Medi-Cal providers, consistent with the provisions and intent of this chapter.

(e) The department may require Medi-Cal managed care plans and providers of the applicable services to submit information the department deems necessary to implement and monitor compliance with this chapter, at the times and in the form and manner specified by the department.

(f) (1) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code but subject to the stakeholder input requirements of Section 14199.121, the department may implement this chapter by means of provider bulletins, all-plan letters, or other similar instructions, without taking further regulatory action. The department shall provide notification to the Department of Finance, the Joint Legislative Budget Committee, and to the Legislature's relevant fiscal and policy committees at least five working days before taking action.

(2) If the department enters into an interagency agreement with another state government agency or entity to administer and implement a portion of this chapter, that other agency or department shall be covered by paragraph (1).

(g) For purposes of implementing this chapter, the department or its designated state government agency or entity may enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis. Contracts entered into or amended pursuant to this section shall be exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, and Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, the State Contracting Manual, and shall be exempt from the review or approval of any division of the Department of General Services.

(Added November 5, 2024, by initiative Proposition 35, Sec. 1. Effective December 18, 2024. Approved in Proposition 35 at the November 5, 2024, election. Operative January 1, 2025, pursuant to Section 14199.135.)