

55000 General

(a)

The United States Congress has declared that it is the policy of the United States, in fulfillment of the special responsibilities and legal obligations to the American Indian people, to meet the national goal of providing the highest possible health status to Indians. In furtherance of these national goals and national policy, special programs have been developed by the Federal Government to address the health problems of Indians living on and near the Indian reservations, in rural areas, and in urban centers.

(b)

These regulations are intended to recognize the inherent sovereignty of Indian tribes and nations, the requirements of the Indian Health Care Improvement Act and the Indian Self-Determination and Education Assistance Act, and to recognize the special status of Indians, Indian tribes, and Indian Health Service programs under federal law. This special status requires that separate considerations be applied to the inclusion or exclusion of Indians and Indian Health Service Facilities from Medi-Cal managed care plans.

(c)

The programs operated by Indian tribes and Indian organizations within California, referred to in these regulations as Indian Health Service Facilities, are required by federal law to provide services to all eligible Indians who present themselves for

care. Indian Health Service Facilities are also required by federal law to act as the payor of last resort for eligible Indians and are required to obtain reimbursement for the services provided to eligible Indians from all sources including the Medi-Cal program. These facilities may serve non-Indians, but only to the extent that such services do not result in the denial or diminution of health services to eligible Indians.

(d)

The department intends to provide a single, clear, and accessible set of guidelines which define how Indian Health Service Facilities will relate to the Medi-Cal managed care plans in their respective locations; to ensure that individual Indians continue to receive the required care to which they are entitled; and to ensure that Indian Health Service Facilities may continue to provide comprehensive services to eligible Indians.

(e)

The department intends to ensure that the Indian Health Service Facilities are reimbursed, if they are qualified for and elect to receive reasonable cost reimbursement, as provided in federal law, at their reasonable cost reimbursement rate, or a percentage of reasonable cost as provided in 42 U.S.C. 1396a(a)(13)(C), whether they elect to act as subcontractors of the Medi-Cal managed care plans or out-of-plan providers.

(f)

The department also intends to ensure that Indian Health Service Facilities which choose to be and are designated as Indian Health Service (IHS) providers by the federal government will receive the IHS payment rate.