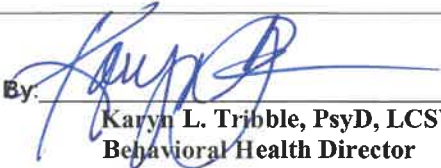


By: 
Karyn L. Tribble, PsyD, LCSW
Behavioral Health Director

POLICY TITLE

Implementation of AB 1299 Presumptive Transfer for Foster Youth Placed Out of County

Policy No: 403-5-1

Date of Original Approval: 12/16/19

Date(s) of Revision(s):

PURPOSE

In compliance with Assembly Bill 1299 (AB1299) Presumptive Transfer legislation, this policy ensures that all foster children, youth, and Non-Minor Dependents (NMD) receive timely access to Specialty Mental Health Services (SMHS) regardless of their county of residence.

AUTHORITY

- Department of Health Care Services, Specialty Mental Health Services for Children and Youth. Assembly Bill 1299: Presumptive Transfer (Chapter 603, States of 2016)
- All County Letter (ACL) NO. 17-77 Mental Health and Substance Use Disorder Services (MHSUDS) Information Notice NO. 17-032
- All County Letter (ACL) NO. 18-60 Mental Health and Substance Use Disorder Services (MHSUDS) Information Notice NO. 18-027

SCOPE

This policy applies to all Alameda County Behavioral Health (ACBH) County and ACBH-contracted programs and requires collaboration with placing agencies initiating the Presumptive Transfer with Social Services Agency Department of Children & Family Services (DCFS) and/or Probation Department.

POLICY

Effective July 1, 2017, responsibility for authorization, provisions and payment of Specialty Mental Health Services (SMHS) shall be transferred to the Mental Health Plan (MHP) in the foster youth's county of residence. This legislation includes foster children, youth, and Non-Minor Dependents (NMD) ages Birth to 21 placed in a county other than the county of original jurisdiction.

Placing agencies are responsible for informing the foster child, the person or agency responsible for making mental health care decisions on behalf of the foster child, and the child's attorney, of the presumptive transfer requirements under Assembly Bill (AB 1299). This information should include descriptions of exceptions, the option to request a waiver of Presumptive Transfer (if an exception exists), and how to make such a request to the placing agency. Recommendations concerning placement, services, and supports are to be discussed within the Child Family Team (CFT), including Presumptive Transfer (PT) or Presumptive Transfer Waiver decisions.

Placing agencies are responsible for submitting an official notification of AB 1299 status to the MHP of the foster child's county of residence.

Upon notification of a PT to Alameda County, Alameda County Behavioral Health (ACBH) shall provide assessment, referral, and appropriate treatment for foster children, youth, and NMD placed in Alameda County regardless of the county of jurisdiction within the State of California.

ACBH Acute Crisis Care and Evaluation for Systemwide Services (ACCESS) is the AB 1299 PT single point of contact for Alameda County's MHP for out of county placing agencies and the ACCESS phone and fax numbers shall be made available to the public on the ACBH website.

PROCEDURE

I. Referral Process for Out of County Foster Youth Placed in Alameda County as a Presumptive Transfer to the Alameda County MHP

- A. Before ACBH can make a referral for SMHS for an Out of County foster child, youth, or NMD to an ACBH provider, ACCESS must receive official notification of AB 1299 status (PT or Waiver of PT). An exception is to be made in situations when a foster child, youth, or NMD is in imminent danger to themselves or others or experiencing an emergency psychiatric condition (See Expedited Transfer Section ACL No. 18-60, MHSUDS Information Notice No. 18-027)
- B. Once ACCESS receives confirmation that the County of Jurisdiction intends to PT the SMHS of the foster child, youth, or NMD to ACBH, a referral shall be made to an ACBH provider.
- C. All PT referrals from ACCESS shall be treated as any other referral from Alameda County ACBH. These foster youth are then able to receive services similar to other Alameda County beneficiaries regardless of the County in which their Medi-Cal is active.
- D. Legal custody for Out of County foster children and youth remains with the county of jurisdiction, including the JV220 application process for psychotropic medications, if applicable.
- E. Adopted or Kin-Gap placement children/youth from another county are not a covered population under AB 1299 and remain part of SB 785 legislation. If a child or youth who was placed in Alameda County as a PT becomes adopted or changes to a Kin-Gap placement while receiving services from ACBH, they will no longer be covered under AB 1299 and will need to be reauthorized for services through a Services Authorization Request (SAR).
- F. Children and Youth who are in Family Maintenance (FM) and living with a parent are not a covered population under AB 1299. Children and Youth in FM need to transfer their Medi-Cal to the parent's resident county.
- G. Children and Youth living with a non-relative Legal Guardianship (LG) placement are not a covered population under AB 1299. Children and Youth in a non-relative LG placement need to transfer their Medi-Cal to the Legal Guardian's resident county.

II. Referral Process for Alameda County Foster Youth Placed Outside of Alameda County as a Presumptive Transfer to an Out of County MHP

- A. The placing agency (SSA DCFS or Probation) AB 1299 Presumptive Transfer designee is responsible for informing everyone on the CFT and for referring to the MHP of the county of residence with appropriate consents and authorization forms for SMHS for children, youth, and NMDs ages Birth to 21. (See timeliness guidelines ACL No. 17-77, MHSUDS Information Notice No. 17-032)
- B. All parties must comply with Health Insurance Portability and Accountability Act (HIPPA) of 1996 requirements and all applicable Federal and State regulations promulgated from HIPPA

when making Presumptive Transfers, providing notifications and requesting information regarding the foster child.

- C. The placing agency (SSA DCFS or Probation) AB 1299 Presumptive Transfer designee shall contact ACBH AB 1299 designee to inform of the PT or Waiver of PT for a child, youth or NMD.
- D. ACBH AB 1299 Presumptive Transfer designee shall inform ACBH providers of presumptive transfers and ask to transfer and close the case in a clinically appropriate manner if this was not clear in the CFT process.

III. Exception to a Presumptive Transfer

- A. Presumptive Transfer can only be waived by the placing agency if all of the conditions are met.
 - i. An individualized determination has been made that an exception outlined in the statute applies (Welfare and Institutions Code 14717.1 (b) 2 (A)), and
 - ii. A demonstration that the MHP in the county of original jurisdiction can contract and provide services within 30 days.
- B. The placing agency may decide to waive presumptive transfer on an individual, case-by-case basis only if one or more of the four exceptions listed below exists. The waiver decision must be documented in the child's case plan and communicated to all other members of the CFT.
 - i. The transfer would negatively impact mental health services being provided to the child or youth or delay access to services provided to the foster child
 - ii. The transfer would interfere with the family reunification efforts documented in the individual case plan
 - iii. The foster child's placement in a county other than the county of original jurisdiction is expected to last less than six months
 - iv. The foster child's residence is within 50 miles of travel or 30 minutes of travel time from the established SMHS care provider in the county of original jurisdiction.
- C. If an Alameda County placing agency notifies the ACBH AB 1299 designee of a Waiver of PT for a foster child, youth, or NMD living out of the county, ACBH shall maintain responsibility for SMHS while the child, youth or NMD is placed out of the county. A waiver processed based on an exception to presumptive transfer shall be contingent upon ACBH demonstrating an existing contract with an SMHS provider, or the ability to deliver timely SMHS directly to the foster child. The availability of an existing contracted service or ability to contract and provide services within 30 days shall be directly communicated to the placing agency AB1299 PT Designee.

NON-COMPLIANCE

Failure to comply with this policy may result in formal actions including and up to formal sanctions as outlined in ACBH policy #1302-1-1 "Contract Compliance and Sanctions for BHCS – Contract Providers."

CONTACT

ACBH Office	Current as of	Email
Child and Young Adult System of Care	09/4/2019	InfoACBH.CYASOC@acgov.org
Network Office	09/4/2019	Contracts@acgov.org
Provider Relations Claims Processing	09/4/2019	(510) 383-1582

<i>Policy & Procedure:</i> Implementation of AB 1299 Presumptive Transfer for Foster Youth Placed Out of County	403-5-1
---	---------

Utilization Management	09/4/2019	(510) 567- 8141
Quality Assurance	09/4/2019	QAOFFICE@acgov.org
Quality Improvement	09/4/2019	QITEAM@acgov.org

DISTRIBUTION

This policy will be distributed to the following:

- ACBH Staff
- ACBH County and Contract Providers
- Public

ISSUANCE AND REVISION HISTORY

Original Authors: Sun Hyung Lee, Interim Division Director Transition age Youth & Christine Mukai, AB1299 Lead

Original Date of Approval:

Date of Revision:

Revise Author	Reason for Revise	Date of Approval by (Name)

DEFINITIONS

Term	Definition
AB1299	Effective July 1, 2017, a law with the intention to eliminate a key barrier to mental health care for foster youth ages Birth to 21. Shifts responsibility for the authorization, provision and payment of SMHS to the Mental Health Plan in the foster child's county of residence for foster children, youth, and NMDs placed in a county other than the county of original jurisdiction.
ACBH	Alameda County Behavioral Health Care Services, the Mental Health Plan for Alameda County
ACCESS	Acute Crisis Care and Evaluation for Systemwide Services
CFT	Child and Family Team: A group of individuals that includes the child or youth, family members, professionals, natural community supports and other individuals identified by the family who are invested in the child, youth and family's success. The CFT shares responsibility to assess, plan, intervene, monitor and refine services and supports over time. The CFT process allows member of the team to discuss behavioral issues of concern with the goal of identifying services for foster child or youth that can be provided in the least-restrictive setting.
CYASOC	Child and Young Adult System of Care
CWW	County Child Welfare Worker
FM	Family Maintenance
LG	Legal Guardian
NMD	Non-Minor Dependent status under AB12, generally between the ages of 18 to 21

Out Of County	Placement outside of county of jurisdiction
PD	Probation Department, a placing agency
PT	Presumptive Transfer: Shifts responsibility for the authorization, provision and payment of SMHS to the Mental Health Plan of the county of residence for a foster child, youth or NMD living out of county.
SMHS	Specialty Mental Health Services
SAR	Services Authorization Request
SSA DCFS	Social Services Agency Department of Child & Family Services, a placing agency
Waiver of PT	Waiver of Presumptive Transfer: Maintains responsibility for the authorization, provision, and payment of SMHS with the Mental Health Plan of the county of jurisdiction for a foster child, youth or NMD living out of county.