

Medi-Cal Provider Enrollment Effective Date Determination

DHS determines “the date on the notice” when granting provisional or preferred provisional provider status under *Welfare and Institutions Code (W & I Code)*, Section 14043.26, and an exception for contractors for hospital based services for emergency care

W & I Code, Section 14043.26, authorizes enrollment in the Medi-Cal program for preferred provisional provider status or provisional provider status. After a review period of 90 to 180 days, the Department of Health Services (DHS) will approve the application, deny it or require additional information or investigation. Section 14043.26 states, in subdivision (d), that within 180 days after receiving an application package, or from the date of a notice to an applicant or provider that the applicant or provider does not qualify as a preferred provider, the applicant shall be given written notice by DHS of one of four outcomes, or shall on the 181st day be granted provisional or preferred provider status.

When DHS approves an application for enrollment, the applicant is granted provisional or preferred provisional provider status for a period of 12 or 18 months, effective from the date on the notice.

DHS issues this provider bulletin based on the authority granted to the director of DHS in W & I Code, Section 14043.75(b). The director hereby establishes how DHS determines the effective date of enrollment, in order to implement, interpret and make specific the meaning of the phrase, “from the date on the notice,” as that phrase is used in Section 14043.26. This rule is a regulation and has the full force and effect of law. This rule is effective for all application packages received on or after July 19, 2004.

Emergency Room Services

The general rule states that the effective date for enrollment will be the date a complete application package is received by DHS. DHS is creating an exception for applicants who provide emergency room services or other services to Medi-Cal recipients who come to a hospital emergency room and are treated by practitioners who are required by contract with the acute care hospital or acute psychiatric hospital to treat those patients. The reason for the exception is that these practitioners may begin to work under their contract with the hospital, or with a provider group that has a contract with the hospital, and be required to treat Medi-Cal recipients on an emergency basis before the individual practitioner has an opportunity to submit a Medi-Cal application package. Additionally, DHS has found less fraud among the billings by providers for services provided to patients who come into emergency rooms in the acute care hospital or acute psychiatric hospital setting. Therefore, for the situations covered by the exception, DHS has determined that the risk of fraud by allowing the back-dating of the effective date of enrollment for the billings for those services is outweighed, at this time, by the desire to ensure that providers of services to Medi-Cal recipients are able to get paid for those services.

Determination of Effective Date of Enrollment

- (a) The effective date of enrollment for the granting of provisional or preferred provisional provider status shall be the date DHS received the complete application package, except as follows:
 1. When DHS receives an incomplete application package, it notifies the applicant or provider, pursuant to W & I Code, Section 14043.26 (d), that the package is incomplete. The applicant or provider must resubmit the entire application package with all requested information and documentation to DHS within 35 days of the date on the notice. If DHS receives the completed package within 35 days, the effective date of the notice shall be either the date all licenses, certificates and other approval to provide health care were obtained or the date DHS first received the incomplete application package, whichever is later.
 2. When an applicant fails to resubmit a complete application package within the 35 days pursuant to W & I Code, Section 14043.26 (e), DHS treats any subsequent resubmission of an application package as a new application received effective the date DHS received the complete application package.
 3. When DHS approves an application for an applicant who meets the criteria listed in subsection (b), following, the effective date shall be either the date the applicant provided services, pursuant to a contract, to Medi-Cal recipients, on an emergency basis, at a general acute care hospital or acute psychiatric hospital; the effective date of the contract obligating the applicant to provide those services at that hospital, or 90 days prior to the date the complete application package was received by DHS (subject to the exception stated above for incomplete packages which are completed and resubmitted within 35 days), whichever is later. This exception applies to

both the hospital contractors and rendering providers in a provider group that is under contract to provide services at a general acute care or acute psychiatric hospital. Applicants that provide such services on a contract basis include, but are not limited to: physicians and surgeons, dentists, anesthesiologists, radiologists, and hospital-based providers.

- (b) In order to qualify for the emergency hospital services exception in (a) (3) above, an applicant must meet all of the following criteria:
1. The applicant or provider group must submit, with the application package, a *Cover Letter Requesting Emergency Hospital Services Exception*, which meets all the requirements of section (c) below;
 2. The applicant must be under contract to provide, or a member of a provider group enrolled in the Medi-Cal program that is under contract to provide, emergency, radiological or surgical services in a “general acute care hospital” as defined in Health and Safety Code Section 1250(a) or in an “acute psychiatric hospital” as defined in Health and Safety Code Section 1250(b);
 3. The applicant must have provided emergency, radiological or surgical services prior to the date of submission of the application, at a general acute care or acute psychiatric hospital, to one or more Medi-Cal recipients, on an emergency basis, pursuant to contract with the general acute care hospital or the acute psychiatric hospital;
 4. At the time the services referenced in (3) above were provided, the general acute care hospital or acute psychiatric hospital must have been enrolled in the Medi-Cal program;
 5. At the time the services referenced in (3) above were provided, the applicant must have had a current California license as a health care practitioner which authorized it to provide the services.
- (c) The required cover letter referred to in (b)(1) above must include all of the following:
1. A statement under penalty of perjury that the applicant:
 - (A) Provided services to a Medi-Cal recipient, on an emergency basis, at a general acute care hospital or acute psychiatric hospital pursuant to a contract with the general acute care hospital or acute psychiatric hospital to provide emergency, radiological or surgical services; or
 - (B) Provided services to a Medi-Cal recipient, on an emergency basis, at a general acute care hospital or acute psychiatric hospital pursuant to a contract between the provider group, to which the applicant is a member, and a general acute care hospital or acute psychiatric hospital to provide emergency, radiological or surgical services;
 2. Identification of the parties to the contract referenced in 1, above;
 3. The effective date and term of the contract referenced in 1, above;
 4. The date of execution of the contract referenced in 1, above, by all parties to that contract;
 5. The name of the general acute care hospital or acute psychiatric hospital and the location where the services were provided to one or more Medi-Cal recipients on an emergency basis prior to the date of submission of the application package.
- (d) Except as required by W & I Code, Section 14019 for services rendered to a recipient up to 90 days prior to application for or issuance of his/her Medi-Cal card, all services rendered by an applicant prior to the effective date of enrollment shall not be paid.
- (e) Notwithstanding this provider bulletin, no duplicate billing is allowed and no service may be billed to DHS by more than one provider.

One of the following formatted statements may be used for the required Cover Letter Requesting Emergency Hospital Services Exception

(i.) Contractor For Services on an Emergency Basis
at a General Acute Care or Acute Psychiatric Hospital

I, _____, declare under penalty of perjury under the laws of
(Name of Applicant, printed)

the state of California that

I have a contract with

(Name of General Acute Care or Psychiatric Hospital)

(Address)

to provide emergency, radiology or surgical services;

Effective Date and term of Contract _____
(Month) (Day) (Year)

The date of execution of the contract by each party, if different from the effective date

The parties to the contract are: _____

Pursuant to that contract, I delivered emergency, radiological or surgical services on an
emergency basis, to a Medi-Cal beneficiary at

(Name and location of General Acute Care or Psychiatric Hospital where services were delivered)

I have a current California license as a health care practitioner to provide those services

and I request an effective date of up to 90 days prior to the date DHS receives this application package.

I declare under penalty of perjury that all the information and statements in this cover letter and any supporting documents is true and correct.

Signed this _____ day of _____, _____.
(Day of Month) (Month) (Year)

In _____, California.
(Name of county where signed)

By: _____
(Signature of applicant)

(ii) Provider Group – Rendering Provider For Services on an Emergency Basis
at a General Acute Care or Acute Psychiatric Hospital

I, _____, declare under penalty of perjury under the laws of the state of
(Name of Applicant, printed)

California that

- I have been a rendering provider with _____ since _____
(Name of Provider Group) (Month, Day, Year)
- _____ has a contractual relationship with _____
(Name of Provider Group) _____
(Name of General Acute Care or Psychiatric Hospital)

(Address)
to provide emergency, radiology or surgical services;
- Effective Date and term of Contract _____
(Month) (Day) (Year)
- The date of execution of the contract by each party, if different from the effective date
- The parties to the contract are: _____
- Pursuant to that contract, I delivered emergency, radiological or surgical services on an emergency basis, to a Medi-Cal beneficiary at _____
(Name and location of General Acute Care or Psychiatric Hospital where services were delivered)
- I have a current California license as a health care practitioner to provide those services

and I request an effective date of up to 90 days prior to the date DHS receives this application package.

I declare under penalty of perjury that all the information and statements in this cover letter and any supporting documents is true and correct.

Signed this _____ day of _____, _____.
(Day of Month) (Month) (Year)

In _____, California.
(Name of city and county where signed)

By: _____
(Signature of applicant)