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Mayor

Mitchell H. Katz, MD
Director of Health

To: LeAnn Monfredini, President and
Members of the San Francisco Health Commission

Through: Mitchell Katz, M.D.
Director of Health

From: Tangerine Brigham

Re: Healthy San Francisco Regulations

Date: July 17, 2007

This memorandum outlines the proposed regulations that will govern the Healthy San Francisco and the Medical Reimbursement Account provisions of the San Francisco Health Care Security Ordinance. The Department is requesting that the Health Commission take formal action on these regulations. Attached is a draft resolution for the Health Commission's consideration.

Intent of Regulations

The San Francisco Health Care Security Ordinance ("Ordinance") specifies that the Department develop and promulgate regulations governing the operation of Healthy San Francisco and the Medical Reimbursement Account program. The regulations establish the procedures by which these two programs will be operated.

Process for Development of Regulations

The regulations were developed based on the design framework that was presented to the Health Commission at its January 30, 2007 and May 1, 2007 meetings. The Department released the regulations for public comment on June 15, 2007 and invited all interested parties to provide written comments on the draft regulations. Interested parties had until June 29, 2007 to submit comments. The following was done to notice the draft regulations:

- posted them on the Department website,
- posted them on the Healthy San Francisco websites,
- linked them to the Office of Labor Standards and Enforcement website,
- provided to the Government Information Center of the San Francisco Public Library and
- informed, via-email, all persons on the Healthy San Francisco e-mail subscription list of the comment period for the regulations.

In addition, the public was able to obtain copies of the draft regulations at the Department (101 Grove Street, Room 308).

The Department provided the public with notice of that the Health Commission would be considering these regulations for adoption at today's meeting. This notice was provided on June 15, 2007 and July 5, 2007.

Regulations

The Healthy San Francisco Health San Francisco regulations cover program definitions, eligibility, fee structure, services, service provision, delivery network, covered employer participation, public information, administration and reporting of Healthy San Francisco and the Medical Reimbursement Account program. (See Attachment A). They set forth the parameters for the administration of Healthy San Francisco and the Medical Reimbursement Account provision and will be used to develop appropriate public information materials regarding program eligibility, services, fees, provider network and other information useful for applicants and program participants. The Department is seeking the Health Commission’s adoption of the regulations contained in Attachment A.

In developing the final version of the regulations for Health Commission consideration, the Department took into account comments provided by the public. A summary of the comments is contained in Attachment B. Attachment B provides the Department’s response to the comments. In some instances, the comments sought clarifying information and in some instances the comments recommended modifications to the draft regulations. In general, substantive comments were in the following areas:

- providing clarity with respect to Healthy San Francisco and California Welfare and Institutions Code Section 17000,
- providing clarity with respect to the eligibility period,
- providing clarity on notices provided to participants regarding potential disenrollment,
- providing detailed information on the program’s fee structure and dissemination of the fee structure to potential applicants and participants,
- providing clarity on the exclusion of dental services,
- providing clarity on the exclusion of vision services and
- providing clarity on the mechanism by which covered employers subject to the Employer Spending Requirement would facilitate participation by their employees in Healthy San Francisco.

Below the Department provides more detailed information on the items noted above.

Comment	DPH Response	Change in Regulations
California Welfare and Institutions Code Section 17000	<p>Concern was expressed that the Healthy San Francisco did not comply with State law.</p> <p>California Welfare and Institutions Code Section 17000 states that “every county and every city and county shall relieve and support all incompetent, poor, indigent persons, and those incapacitated by age, disease, or accident, lawfully resident therein, when such persons are not supported and relieved by their relatives or friends, by their own means, or by state hospitals or other state or private institutions.” It does not define indigence, range of services to be provided, length of time that services should be provided, or manner in which services are provided. Healthy San Francisco program will be among those programs offered in satisfaction of the City and County of San Francisco's obligation to provide services to indigent persons under California Welfare and Institutions Code Section 17000.</p>	Yes; change to Section 1(a); see below

Comment	DPH Response	Change in Regulations
Eligibility Period	<p>Concern was expressed that the eligibility period for Healthy San Francisco was not outlined in the regulations.</p> <p>The Department recognizes that short eligibility periods can create hurdles for participants and can increase the costs of administering the program. The eligibility period for the program is 12 months. Program participants will be required to re-establish their eligibility prior to the end of the 12-month period. This feature is being programmed into the One-e-App eligibility and enrollment system. The regulations do not specify the 12-month period to provide flexibility for the Department to modify this provision if needed based on enrollment experience.</p>	No
Participant Notices Regarding Disenrollment	<p>Concern was expressed that the participants would be disenrolled from Healthy San Francisco with being informed about the nature of the disenrollment or without being provided time to remedy the situation.</p> <p>For Healthy San Francisco, One-e-App is being programmed to generate the following notices to applicant's or participants for the following: incomplete application, denial, re-enrollment, disenrollment and application complete. Applicants will be provided with a grace period to remedy issues related to potential disenrollment (e.g., failed to provide information on income to re-establish continued enrollment).</p>	No
Participant Fee Structure	<p>The Department did not include the fee structure in the regulations because of its belief that the Health Commission or Department may wish to review the fee structure on a more regular basis to make modifications and/or update the fee structure. The Department views the program regulations as more stable in nature and not subject to as frequent a review as the fee structure. If the fee structure were contained in the program regulations, it would require modifying the regulations every time a change in the fee structure was made. The fee structure will be taken to the Health Commission for approval prior to implementation. The fee structure adopted by the Health Commission will be public information available in print and on the Internet.</p>	No

Comment	DPH Response	Change in Regulations
Exclusion of Dental Services	<p>Concern was expressed regarding the exclusion of dental services.</p> <p>Dental services are not provided through Healthy San Francisco. Dental services are available through the Department's Sliding Scale program. The Department will continue to have dental services for adults available via three clinics: Potrero, Southeast, and Tom Waddell (for the homeless). Services provided include: Oral Examinations, X-Rays, Prophylaxis (cleaning), Fluoride Treatment - including Fluoride Varnish, Dental Sealants, Subgingival Curettage, Fillings--Amalgam and Composite, Anterior Root Canal (Southeast and Potrero Hill Health Centers), Uncomplicated Extractions (Southeast and Potrero Hill Health Centers), Occlusal Adjustment, Temporary Crowns, Incision and Drainage - Oral Abscess.</p>	No
Exclusion of Vision Services	<p>Concern was expressed regarding the exclusion of vision services.</p> <p>Health San Francisco will not provide optometry services (e.g., fitting and prescribing spectacles and contact lenses). Limited vision services are available through another Department program that provides vision screenings at community clinics through a mobile eye van and through an optometrist at San Francisco General Hospital. Healthy San Francisco will provide the medical specialty Ophthalmology (e.g., the medical specialty that deals with the anatomy, function, pathology and treatment of the eye). Within Ophthalmology, optometry services are provided as part of the screening for diabetic and hypertensive patients needing specialty care.</p>	No
Covered Employer Participation	<p>Concern was expressed that Covered Employers that select Healthy San Francisco will not be able to enroll their covered employees into the program.</p> <p>One of the eligibility criteria for Healthy San Francisco is that the person must apply for and be found ineligible for public health insurance. In order to meet the criteria, all potential program participants must be go through the One-e-App eligibility and enrollment process. This system will have the rules and requirements for these public health insurance programs. If employers were allowed to enroll their employees into the program directly, it would bypass this important eligibility criterion.</p>	No

The following substantive changes have been made to the regulations based on public comment.

Section	Change
1(c)	<p>Deleted: The Healthy San Francisco program will fulfill the City and County of San Francisco's obligation to provide services to indigent persons in need of medically necessary services as required by California Welfare and Institutions Code Section 17000. The Regulations in no way shall be construed as an expansion of the City and County of San Francisco's existing obligations to provide health care under any California and/or federal law.</p> <p>Inserted: The Healthy San Francisco program will be among those programs offered in satisfaction of the City and County of San Francisco's obligation to provide services to indigent persons under California Welfare and Institutions Code Section 17000. The Regulations in no way shall be construed as an expansion of the City and County of San Francisco's existing obligations to provide health care under any California and/or federal law. Nor shall the regulations limit an individual's entitlement to those services otherwise required under California law.</p>
2(p)	Added "medical group" to the definition of Provider.
3(a)(iv)	<p>Deleted three State funding programs from this list because they are not health insurance programs that provide limited benefits. A person would be eligible to participate in HSF and have aspects of their care paid for by these funding streams if eligible for the program in question. The programs deleted from this section were:</p> <ul style="list-style-type: none"> • Family PACT (Planning, Access, Care, Treatment), • Breast and Cervical Cancer Treatment Program (California-only), and • Cancer Detection Program.