



Health Care Agency Mental Health and Recovery Services Policies and Procedures	Section Name:	Care and Treatment
	Sub Section:	Referral
	Section Number:	01.01.02
	Policy Status:	<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised

	SIGNATURE	DATE APPROVED
Director of Operations Mental Health and Recovery Services	_____ Signature on File	_____ 2/14/2023

SUBJECT: Presumptive Transfer (AB 1299)

PURPOSE:

To provide children, youth, and non-minors in foster care who are placed outside their counties of original jurisdiction access to Specialty Mental Health Services (SMHS) in a timely manner in compliance with Presumptive Transfer (AB 1299). Presumptive Transfer does not apply to children or youth with Kinship Guardianship Assistance Payment (Kin-GAP) or Adoption Assistance Program (AAP).

POLICY:

Upon Presumptive Transfer to Orange County of a foster child, youth, or non-minor with Medi-Cal, Orange County Mental Health Plan (hereby referred to as Orange MHP) shall assume responsibility for the authorization and provision of SMHS, and the payment for services (Welfare and Institutions Code § 14717.1, subdivision (f)).

SCOPE:

This policy applies to all foster children, youth, or non-minors with Medi-Cal requiring SMHS in Orange County.

REFERENCES:

[All County Letter No. 17-77 \(July 14, 2017\) Mental Health and Substance Use Disorder Services Information Notice Number 17-032 Implementation of Presumptive Transfer for Foster Children Placed Out of County](#)

[All County Letter No. 18-60 \(June 22, 2018\) Mental Health and Substance Use Disorder Services Information Notice Number 18-027 Presumptive Transfer Policy Guidance](#)

[Welfare and Institutions Code §14717.1](#)

PROCEDURE:

- I. Children and Youth Services (CYS) receives notification regarding a Presumptive Transfer case through the CYS single point-of-contact, posted publicly at the Orange

County Health Care Agency website, from the placing agency in the county of original jurisdiction.

- II. CY5 assumes responsibility for authorization, provision, and payment of SMHS for a foster child, youth, or non-minor placed in Orange County.
 - A. Referral information is entered into the CY5 Presumptive Transfer spreadsheet. This spreadsheet will be maintained by the designated Presumptive Transfer person in CY5 Administration.
 - B. CY5 determines if the foster child, youth, or non-minor has already been linked or placed with a SMHS County or County Contracted provider in Orange County.
 - C. If the foster child, youth, or non-minor has not been linked, then CY5 Administration will facilitate linkage to a SMHS County or County Contracted provider by contacting the provider and giving them the necessary information to contact the placing agency and caregiver to generate the referral for SMHS.
 - 1. EXPEDITED Presumptive Transfer Referral
 - a) Assigned to a County or County Contracted clinic within 48 hours or by the next available working day. The clinic will assign a therapist and an intake appointment within two (2) working days. The clinic will submit the AB1299 Presumptive Transfer Fax Cover Sheet within two (2) working days to CY5 Administration.
 - 2. NOT EXPEDITED Presumptive Transfer Referrals
 - a) Assigned to a County or County Contracted clinic within two (2) working days (excluding weekends or holidays). The clinic will assign a therapist and an intake appointment within five (5) working days. The clinic will submit the AB1299 Presumptive Transfer Fax Cover Sheet within five (5) working days to CY5 Administration.
 - D. CY5 Administration will inform the placing agency of the County or County Contracted provider's contact information so the placing agency may send the required mental health documentation.
 - E. Information regarding the Presumptive Transfer referral is entered in the CY5 Presumptive Transfer spreadsheet by the Presumptive Transfer single point-of-contact in CY5 Administration.
- III. Services provided are to be consistent with the foster child, youth, or non-minor's treatment needs and goals as documented in the mental health client plan and as determined by the foster child, youth, or non-minor's Child and Family Team.
- IV. CY5 is required to accept an assessment, if one exists, of needed SMHS for the foster child, youth, or non-minor from the MHP in the county of original jurisdiction. Nothing

should preclude CYC from updating the assessment or conducting a new assessment if clinically indicated, but these updates or new assessments may not delay the timely provision of SMHS to the foster child, youth, or non-minor.

- V. When a Presumptive Transfer waiver is requested, Orange County Social Services Agency (SSA) Children and Family Services (CFS) or Orange County Probation will notify the Orange MHP either by secure email or by phone. Orange MHP will then determine if a contract can be established with a SMHS provider in the other county within 30 days, or if Orange MHP already has a contract with a SMHS provider in the county of residence.
 - A. If Orange MHP has an existing mental health contract or if Orange MHP can contract with a SMHS provider in the county of residence within 30 days, then the waiver request will be approved. Orange MHP will then coordinate with CFS or Probation to ensure access to a SMHS provider for the foster child, youth, or non-minor dependent in their county of residence.
 - B. If the mental health contract within 30 days is not feasible and if Orange MHP does not have an existing contract with the requested out-of-county SMHS provider, the Orange MHP will notify CFS or Probation as soon as possible, and the waiver request will be denied. Orange County CFS or Orange County Probation will then generate a Notification of Presumptive Transfer to link the client to a SMHS provider in the county of residence in a timely manner.