



Established in 1991, UCC serves as the representative voice for state legislative advocacy for high-population counties in California. Initially composed of seven counties, the association has grown to 14 today. Nearly 80 percent of the state's population reside in UCC counties. Consequently, urban counties carry out critical programs and services to the state's most vulnerable populations. For more information, including details on our Board of Directors, please visit [our website](#).

January 27, 2023

Civil Rights Advocacy Groups File Lawsuit to Stop CARE Act Implementation

The *Los Angeles Times* [reported](#) this week that a coalition of disability and civil rights advocacy organizations – Disability Rights California, Western Center on Law and Poverty, and the Public Interest Law Project – filed a lawsuit with the California Supreme Court seeking to block the rollout of last year's SB 1338, commonly referred to as CARE Court. The groups argue that the new court system will violate due process and equal protection rights under the state constitution, while "needlessly burdening fundamental rights to privacy, autonomy, and liberty." Read the petition [here](#).

According to the *Times*, the coalition indicated that they filed the lawsuit directly to the Supreme Court to expedite timing for a decision. They acknowledge that they can still refile their petition in a lower court if the Supreme Court decides not to take the case.

California Receives Approval for Medicaid Services for Incarcerated Individuals

The Department of Health Care Services (DHCS) announced yesterday that they have received approval from the Centers for Medicare and Medicaid

Services (CMS) to become the first state to provide services to incarcerated individuals. Recall that as part of CalAIM, DHCS had submitted a Section 1115 Medicaid waiver to allow the state to provide services to incarcerated individuals – in prisons, jails, and juvenile detention facilities – for 90 days prior to release to the community.

Pre-release services that will be covered for 90 days prior to release include physical and behavioral clinical consultation, lab and radiology, Medication Assisted Treatment (MAT), community health worker services, and medications and durable medical equipment. For those eligible, a care manager will be assigned – either in the carceral setting or via telehealth.

DHCS expects pre-release services to go-live no sooner than April 2024. Correctional facilities will have the flexibility to determine their launch dates within a 24-month timeframe and will be subject to a DHCS readiness review process before they can launch. California will be providing these services under a demonstration waiver that will expire at the end of 2026.

More than one million adults and youth enter or are released from California prisons and jails annually, and at least 80 percent of these justice-involved individuals are eligible for Medi-Cal. Formerly incarcerated individuals are more likely to experience poor health outcomes and face disproportionately higher rates of physical and behavioral health diagnoses. They are also at higher risk for injury and death as a result of violence, overdose, and suicide compared to people who have never been incarcerated.

DHCS Seeking Comments on Administrative Integration of Specialty Mental Health and Substance Use Disorder Treatment Services

As part of CalAIM, DHCS is proposing administrative integration of specialty mental health and SUD services into one behavioral health managed care program. DHCS released an Behavioral Health Administrative Integration [concept paper](#) this week, which provides additional detail regarding this initiative's framework, goals, the steps needed at the state and county level to achieve those goals. A phased approach is being proposed for sequencing these steps between now and 2027.

DHCS is accepting stakeholder feedback on the approach described in the concept paper through February 21, 2023. Comments can be submitted

via [email](#). DHCS does not plan to release a revised concept paper; however, feedback received during the comment period will inform DHCS' policy decisions, implementation strategy, and consideration of potential guidance and other technical assistance materials.

Note that this proposal is distinct from the CalAIM Full Integration Plan proposal which would integrate physical, behavioral, and oral health care into comprehensive managed care plans. DHCS aims to submit for a single, integrated behavioral health plan in each county or region responsible for providing, or arranging for the provision of, specialty mental health and SUD services under the next 1915(b) waiver, effective in January 2027.

Felony Incompetent to Stand Trial Collaboration Funding Deadline Approaching

The 2022-23 state budget included \$535.5 million, growing to \$638 million ongoing in 2025-26, to implement solutions to reduce the felony incompetent to stand trial waitlist at the Department of State Hospitals. As part of that package, counties can access funding to coordinate and participate in collaborative community stakeholder workgroups focused on developing and implementing local solutions that reduce the number of individuals with serious mental illness arrested and incarcerated for behavior connected to their illness. All counties are eligible to receive \$100,000 annually to support local efforts that focus on targeting the reduction of Felony Incompetent to Stand Trial commitments overall within the county. Counties may utilize these funds to plan for various countywide efforts that could lead to a reduction in commitments and are not required to have an existing contract with the Department of State Hospitals for a Diversion or Community-Based Restoration program.

To receive funding under this program, a county shall submit a Letter of Intent via [email](#) by **January 31, 2023**, to receive funding in 2022-23. Once approved, counties must enter into a five-year contract with the department and adhere to the program requirements to receive annual funding as outlined in the contract. Additional information can be found in this [December letter](#) to counties and counties can use this standard [letter of intent](#).

Local Government-Owned Surplus Properties Map

In an effort to spur affordable housing development, the state released a [map of local government-owned surplus properties](#) and housing element sites on January 24. The map is a result of 2019 legislation ([AB 1255](#), Rivas and [SB 6](#), Beall) which required local jurisdictions to report specific properties to the Department of Housing and Community Development (HCD) for publication in a publicly accessible database. The database and map allow housing developers to identify locally owned surplus land, excess land, and parcels determined by local jurisdictions, as part of their housing element, to be suitable and available for residential development.

HCD will be hosting a [webinar](#) on February 24 to introduce the new tool.