



INFORMATION NOTICE 23-02

Date April 3, 2023

To Department of Behavioral Health (DBH) Staff, Contract Agencies, and Fee-for-Service (FFS) Providers

From Georgina Yoshioka, DSW, MBA, LCSW, Director DocuSigned by:
Dr. Georgina Yoshioka
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Subject Status of COVID-19 Emergency Health Care Flexibilities

Purpose To outline for DBH workforce the status of health care flexibilities. The authorities under which flexibilities were granted are:

- California’s COVID-19 State of Emergency (SoE); all flexibilities granted exclusively under this authority ended February 28, 2023, and
- Federal COVID-19 Public Health Emergent (PHE); most flexibilities granted under this authority will expire May 11, 2023.

This Information Notice will identify California’s SoE flexibilities that recently ended, and federal PHE flexibilities scheduled to end in May 2023.

California SoE Flexibilities The table below identifies DHCS Behavioral Health Information Notices (BHINs) that terminated February 28, 2023:

BHIN #	20-033
Subject	Reimbursement of Specialty Mental Health and Drug Medi-Cal Administrative Costs during the COVID-19 Public Health Emergency
Status	Flexibilities in this BHIN expired February 28, 2023.

Federal PHE Flexibilities The tables below identify BHINs scheduled to terminate May 11, 2023:

BHIN #	20-031
Subject	Specialty Mental Health and Drug Medi-Cal Organized Delivery System Reimbursement Modifications during the COVID-19 Public Health Emergency
Status	Flexibilities in this BHIN are granted under authority of Centers for Medicare & Medicaid Services (CMS) and are scheduled to expire May 11, 2023. DHCS will publish a subsequent BHIN to inform counties when new information is available.

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Federal PHE Flexibilities, continued

BHIN #	20-035
Subject	Electronic Signatures (On Interim Claims and Cost Reports) During the COVID 19 Public Health Emergency (PHE)
Status	Flexibilities in this BHIN remain current. DHCS plans to issue guidance after May 11, 2023.

Prescribing Flexibilities

During the PHE, the Drug Enforcement Administration (DEA) and U.S. Health and Human Services (HHS) adopted policies to allow DEA-registered practitioners to prescribe controlled substances to patients without an in-person interaction. These policies allowed for audio-only modalities to initiate buprenorphine prescribing. DEA plans to initiate proposed rulemaking to extend these flexibilities under certain circumstances without any gap in care and will provide additional guidance to practitioners soon.

Reference

[California Department of Health Care Services:](#)

- Behavioral Health Information Notice No: 21-046E: Updated guidance for behavioral health programs regarding COVID-19 public health emergency flexibilities
 - Behavioral Health Information Notice No: 21-047: Telehealth guidance for specialty mental health services and substance use disorder treatment services in Medi-Cal
 - California State Plan Amendment (SPA) 22-0069
 - Unwinding Operational Plan
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Reference

[Code of Federal Regulations:](#)

- Code of Federal Regulations, Title 45, Section 164.508: Uses and disclosures for which an authorization is required

[U.S. Health and Human Services Office of Civil Rights:](#)

- Fact Sheet: COVID-19 Public Health Emergency Transition Roadmap
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Questions

For questions regarding this Information Notice, please contact DBH Office of Compliance at DBH-ComplianceQuestions@dbh.sbcounty.gov or (909) 388-0879.
