[ms-0398.024.003.028]

RESOLUTION DECLARING HEALTH CARE EMERGENCY

On motion of Supervisor _____, seconded by Supervisor _____, the following resolution is adopted:

WHEREAS, the County of San Diego, hereinafter referred to as "County", since 1983 has been mandated by the State of California, hereinafter referred to as "State", to provide health care services to medically indigent adults who were excluded by the State from Medi-Cal eligibility effective January 1, 1983; and

WHEREAS, the County, pursuant to the mandate of the State, has operated the County Medical Services (CMS) Program for medically indigent adults from 1983 through fiscal year 1988-89 with Medically Indigent Services Program (MISP) funds provided by the State; and

WHEREAS, the State provided the County of San Diego with approximately $41,000,000 in MISP funds for the CMS Program for fiscal year 1988-89; and

WHEREAS, the State provided the County with only $36,100,000 for the CMS Program for fiscal year 1989-90 and has failed to reimburse the County in the amount of $4,900,000, which equals the difference between $36,100,000 (1989-90) and $41,000,000 (1988-89). The State's failure to reimburse the County for the $4,900,000 difference violates the State's statutory duty to reimburse the County set forth in subdivision (a)(5) of Welfare and Institutions Code section 16991; and

WHEREAS, the State has provided less than $20,000,000 for the County's CMS Program for the 1990-91 fiscal year; and

WHEREAS, it was originally anticipated in September of 1990 that the difference between the less than $20,000,000 provided by the State for CMS for 1990-91 and the $41,000,000 provided by the State for CMS for fiscal year 1988-89 would be received by the County from a combination of the following sources: (1) property tax administration fees; (2) State Legalization Impact Assistance Grant funding; and (3) State reimbursement required by subdivision (a)(5) of Welfare and Institutions Code section 16991; and

WHEREAS, the receipt by the County of property tax administration fees is in doubt due to a court action challenging the legality of such fees; and

WHEREAS, the State has failed to make the required $4,900,000 reimbursement to the County for the CMS Program for

fiscal year 1989-90 and has failed to appropriate any money to make the required reimbursement pursuant to the Welfare and Institutions Code section 16991 for fiscal year 1990-91; and

WHEREAS, the County may be forced by lack of funds resulting from the State's failure to adequately finance the State mandated CMS Program to terminate the CMS Program effective March 15, 1991; and

WHEREAS, the termination of the CMS Program because of inadequate State funding may, because of a maintenance of effort requirement in State law (Stats. of 1989, ch. 1331, A.B. 75), result in loss to the County of additional State funds from tobacco tax revenues which were to be used by the County for various County health programs; and

WHEREAS, termination of the CMS Program will cause thousands of medically indigent adults to be without County-provided health services and the resulting loss of tobacco tax revenues will cause the curtailment of County mental health services, the Child Health and Disability Program, reimbursement of hospitals and physicians for uncompensated emergency care, County health education programs, and various other County health programs; and

WHEREAS, CMS patients may have no alternative for health care other than hospital emergency rooms; NOW THEREFORE

THE BOARD OF SUPERVISORS DOES HEREBY RESOLVE AND DECLARE that the circumstances set forth above constitute a health care emergency in the County of San Diego resulting from the failure of the State of California to properly fund the State mandated CMS Program.

IT IS FURTHER RESOLVED AND ORDERED by the Board of Supervisors, based on the failure of the State to properly fund the CMS Program as specified above, that the CMS Program be returned and transferred to the State of California for provision of State-funded health care services to medically indigent adults.

IT IS FURTHER RESOLVED AND ORDERED that the State of California and its officers be requested to take all actions necessary to properly fund the County's CMS Program and to provide necessary relief from the maintenance of effort requirements imposed by Assembly Bill 75, chapter 1331 of the Statutes of 1989 so that there will be no loss of tobacco tax revenues to the County of San Diego.

IT IS FURTHER RESOLVED AND ORDERED that a copy of this resolution be transmitted to the Governor of the State of California, each member of the Legislature whose district is in whole or in part within the County of San Diego, the Secretary of the State Health and Welfare Agency, and to the Director of the State Department of Health Services.