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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ASANTE, et al.,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF  
HEALTH CARE SERVICES, et al.,

Defendants.

Case No. [14-cv-03226-EMC](#)

**ORDER RE OUTSTANDING  
PROVISIONS**

Pursuant to the Court's ruling at the hearing of March 10, 2016, and to the parties' stipulation and the Court's resolution of disputes regarding this Order.

1. The Department shall apply the terms of this Order to all inpatient Medi-Cal services provided by the petitioners as of the date December 21, 2015, unless and until there is a further order from the Court amending monetary relief retrospectively.
2. All of the Plaintiffs in this action shall be deemed to be "border hospitals" as that term is defined in State Plan Amendment 15-020.
3. In its APR-DRG outlier calculations, the Department shall apply to the Plaintiffs the cost-to-charge ("CCR") ratio calculation set forth in SPA 15-020.
4. For purposes of APR-DRG reimbursement the following four hospitals shall be deemed to be "remote rural border hospitals" and shall be entitled to the higher APR-DRG base rates paid California "remote rural" hospitals: Sky Lakes Medical Center (Klamath Falls, Oregon); Asante Three Rivers Medical Center (Grant Pass, Oregon); Havasu Regional Medical Center (Lake Havasu City, Arizona); and Yuma Regional Medical Center (Yuma, Arizona).
5. In order to be eligible for Disproportionate Share Hospital (DSH) payments from the

1 Department, Plaintiffs must provide all information that the Department considers in  
2 determining eligibility of California hospitals for DSH payments and allocation of such  
3 payments. Upon receipt of all the required information for a period upon which DSH  
4 payments are made, the Department will determine Plaintiffs' eligibility for DSH  
5 payments and the allocation of any such payments under the same standards applied to  
6 California hospitals.

7 6. The Department will apply to Plaintiffs the same wage index adjustments that it applies to  
8 California hospitals, including the California "rural" floor.

9 7. Plaintiffs may apply to the California Children's Services ("CCS") program to have their  
10 eligibility determined for the neo-natal intensive care unit surgery ("NICU-Surgery")  
11 policy adjustor. In making this evaluation, CCS shall not apply any state-specific  
12 requirements that can only be met by hospitals that are physically located in the State of  
13 California.

14 8. The Department will use due diligence to implement the provisions of this Order. If the  
15 Department cannot implement this Order by July 1, 2016, then it shall submit a report to  
16 this Court explaining why it cannot comply with that deadline and propose a new deadline.


17 9. The Department shall send bi-monthly reports commencing on May 1, 2016, to the  
18 attorneys for the petitioners and this Court documenting its compliance with the provisions  
19 of this Order.

20 10. This Court shall retain jurisdiction over this matter for a period of one year from the date  
21 of this Order for the purposes of determining the attorney fees and costs, if any, owed  
22 petitioners and resolving any dispute hereunder.

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**IT IS SO ORDERED.**

Dated: March 24, 2016

  
EDWARD M. CHEN  
United States District Judge