

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SACRAMENTO
GORDON D SCHABER COURTHOUSE**

MINUTE ORDER [X] Amended on 04/27/2018

DATE: 04/27/2018

TIME: 11:00:00 AM

DEPT: 28

JUDICIAL OFFICER PRESIDING: Richard K. Sueyoshi

CLERK: E. Gonzalez

REPORTER/ERM: K Nowack CSR# 6987

BAILIFF/COURT ATTENDANT: D. Payne

CASE NO: **34-2017-80002640-CU-WM-GDSC**CASE INIT.DATE: 07/11/2017

CASE TITLE: **County of San Mateo vs. Director of the California Department of Health Care Services**

CASE CATEGORY: Civil - Unlimited

EVENT ID/DOCUMENT ID: ,14924616

EVENT TYPE: Petition for Writ of Mandate - Writ of Mandate

MOVING PARTY: County of San Mateo

CAUSAL DOCUMENT/DATE FILED: Petition for Writ of Mandate, 07/11/2017

APPEARANCES

NATURE OF PROCEEDINGS: HEARING ON THE MERITS OF THE PETITION FOR WRIT OF ADMINISTRATIVE MANDATE

APPEARANCES:

Felicia Sze and John D. Nibbelin, counsel for Petitioner.

Ashante L. Norton, counsel for Respondent.

Michel J. Daponde, counsel for Local Health Plans of California.

The above-entitled matter came before this Court on this date for Hearing on the Merits of the Petition for Writ of Administrative Mandate with the above named counsel present.

Counsel presented their respective arguments to the Court and the matter was submitted.

The Court having reviewed the briefs filed in this matter, and having heard the arguments of counsel presented in this hearing, affirms the tentative ruling in this action posted yesterday (see separate filing) with the following addition:

Among the arguments presented by Petitioner, Petitioner contends that the P4P program qualifies as a financial incentive because the provision of P4P services, such as well visits and BMI analyses, reduces patient costs. To support this argument, Petitioner refers to general statements that preventive medicine results in fewer patient medical issues or patient needs for more substantial medical intervention in the future. However, the Court finds that Petitioner has not identified in the record any particular "utilization outcomes" or "specified performance metrics" measured by the P4P program before a P4P program payment is awarded. The Court disagrees with Petitioner's contention that each P4P service is itself a "specified performance metric." Accordingly, even if the P4P program may reduce patient costs to an unidentified extent over an unspecified period of time, it still does not qualify as a "financial incentive" within the meaning of section 405.2469 because it does not adequately include "utilization outcomes" or "specified performance metrics."

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