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ADP BULLETIN

Title:

Right to State Hearings – Notice of Action

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Deputy Director PROGRAM SERVICES DIVISION

PURPOSE

The purpose of this bulletin is to communicate with the Drug Medi-Cal (DMC) County Alcohol and Drug Program Administrators and providers the requirement of Title 22, to notify beneficiaries of their right to request a fair hearing from the State of California when an action taken by a provider reduces or denies their DMC benefits. This right exists with actions taken by a county department, the Department of Health Services, or any person or organization acting on behalf of the county or the Department of Alcohol and Drug Programs (ADP). This bulletin also provides a suggested form that may be used to satisfy this requirement.

DISCUSSION

When DMC beneficiaries disagree with an action taken by a provider that reduces or denies their Medi-Cal benefits, they may request a State hearing through the California Department of Social Services (CDSS). Specifically, Title 22, California Code of Regulations (CCR), Section 51341.1(p) requires providers to inform all beneficiaries of their right to a fair hearing at the State level if there is a denial, involuntary discharge, or reduction in DMC substance abuse treatment services. The written notice of State hearing rights must be mailed or handed to the beneficiary 10 days prior to the intended action and the notice must include specific information as outlined in Subsection (p)(1).

In conducting postservice postpayment reviews of DMC providers, ADP has noticed wide variation on how providers notify beneficiaries of their right to request a state hearing. ADP has developed a Notice of Action document that can be used to notify beneficiaries of this right in order to meet the regulatory requirements of Title 22. The Notice of Action is attached and is also available on ADP's website in PDF or Word Document format at http://www.adp.ca.gov/dmc/dmc_resource_tool_kit.shtml.

REFERENCES

California Code of Regulations (CCR), Title 22, Section 51341(p).

BACKGROUND

Postservice postpayment reviews are indicating variations in how providers notify beneficiaries when services are reduced or cancelled. ADP has provided a sample form for providers to meet the documentation requirements of Title 22. This sample form will assist providers in fulfilling their Title 22 requirements and provide beneficiaries with a full explanation of their hearing rights under Title 22.

QUESTIONS/MAINTENANCE

Questions should be referred to Ms. Gloria Woodlock, Supervisor, DMC Monitoring Unit at gwoodlock@adp.ca.gov or (916) 322-1935.

EXHIBITS

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