STATE OF CALIFORNIA — HEALTH AND WELFARE AGENCY

EDMUND G. BROWN JR., *Governor*

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
SACRAMENTO, CA 95814
(916) 322-6454

August 15, 1979

To: All County Welfare Directors

Letter No. 79-21

MEDI-CAL FUNDED ABORTIONS

Supreme Court Action

The 1979/80 Budget Act limited the circumstances under which Medi-Cal could pay for abortions. However, on August 9, the State Supreme Court issued a temporary stay order which prohibits the Department from implementing those provisions of the Budget Act which limited abortion funding. Therefore, Medi-Cal will continue to pay for abortions until further court action is taken.

The Department notified Medi-Cal recipients via a July Medi-Cal card stuffer of the reduction in abortion funding and that the restrictions would be effective August 16, 1979. The Department is now preparing a notice to be sent with the September Medi-Cal cards advising recipients of the court order. A copy of the September stuffer notice is attached. Counties will not receive a supply of this stuffer to distribute with county issued cards since there is no reduction in benefits which would affect new eligibles. If future court action requires the implementation of abortion restrictions, beneficiaries will again be notified via a card stuffer, or a special mailing.

Providers will be notified of the court action by August 22. A draft copy of the provider letter is attached for your information.

County Action

1. Counties should advise Medi-Cal recipients or applicants requesting information about Medi-Cal funded abortions of the court order and that Medi-Cal will continue to fund abortions until further court action occurs.

2. Counties should direct provider inquiries to the Medi-Cal field offices. Please refer to Medi-Cal All County Letter No. 79-19 for a list of these offices.

3. Effective immediately counties should discontinue the issuance of the August stuffer notice describing abortion restrictions. This directive supercedes the instructions in Letter No. 79-19.

Please direct any questions regarding this letter to your Medi-Cal field representative.

Sincerely,

Original signed by

Doris Z. Soderberg, Chief
Eligibility Branch

Attachments
cc: Medi-Cal Liaisons
Medi-Cal Field Representatives

Expiration Date: February 29, 1980

ABORTIONS FUNDED BY MEDI-CAL

The Department of Health Services notified Medi-Cal users that effective August 16, 1979, the abortions Medi-Cal could pay for would be limited under the 1979 Budget Act. However, on August 9, 1979, the State Supreme Court issued an order temporarily stopping the Department from putting those limitations in effect. This means that until you are notified otherwise, Medi-Cal coverage of abortions will *NOT* be reduced as was indicated in the previous notice sent out.

Department of Health Services

ABORTOS FINANCIADOS POR MEDI-CAL

El Departamento de Salud de Servicios notificó a los consumidores de Medi-Cal que efectivo Agosto 16, 1979, los abortos que Medi-Cal pueda pagar serían limitados bajo el Acto de Presupuesto de 1979 Sin embargo, en Agosto 9, 1979, la Corte Suprema del Estado impartió una orden temporalmente suspendiendo al Departamento de poner estas limitaciones en efecto. Esto significa que hasta que usted sea notificado de otra manera, la cobertura de los abortos de Medi-Cal *NO* será reducida como fue indicado en la nota previamente enviada.

Departamento de Salud de Servicios

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DRAFT

Dear Provider:

This is to inform Medi-Cal providers of abortion services that, in compliance with a temporary stay order issued on August 9 by the California Supreme Court, the State Department of Health Services will continue to fund virtually all abortions provided to eligible Medi-Cal beneficiaries. The Legislature had mandated major cutbacks on Medi-Cal abortion funding to be effective August 16, 1979; however, a subsequent judicial action has temporarily continued Medi-Cal funding of abortions.

Early in July the Legislature wrote language into the 1979/80 State Budget Act which, effective August 16, would have restricted Medi-Cal funding of abortions to those abortions which would end pregnancies resulting from rape, incest or unlawful intercourse and those which endanger the life or health of the woman or are likely to result in the birth of a child with a severe genetic or congenital abnormality. A number of groups filed a lawsuit to block implementation of these restrictions on Medi-Cal funding of abortions.

The Department has no indication at this time how long the temporary stay will remain in effect. Therefore, Medi-Cal providers may continue providing the same abortion services previously covered. Any judicial decision or administrative action affecting Medi-Cal funding of abortions will be relayed to providers as quickly as possible. The Department will also notify the news media of the latest information concerning abortion funding under Medi-Cal as soon as it becomes known.

Due to the shortage of time to comply with the August 9, 1979 judicial order, individual notification to Medi-Cal beneficiaries of this change cannot be sent out by August 16, 1979. Instead, County Welfare Departments have been notified of the change. Assuming there is no further court order which would remove the temporary stay, a notification stuffer for Medi-Cal beneficiaries giving the status of the abortion coverage under Medi-Cal will be mailed with the September 1979 Medi-Cal cards.

If you have any questions regarding abortion coverage as a result of the temporary court order, please contact your local Medi-Cal field office.

Sincerely,

Beverlee A. Myers
Director