



**Department of Health Care Services (DHCS)
State Plan Amendment (SPA) 14-018
Questions and Responses**

1. My understanding is that the partial (“limited”) restoration of dental services does not apply to FQHCs (and thus UIHOs) for either pre-ACA or newly eligible.

Can you confirm that a State bulletin stating they will continue to abide by the *California Association of Rural Health Clinics (CARHC) v. Douglas* Ninth Circuit decision for FQHCs and that dental services will remain unchanged (revert back to pre-elimination benefits).

DHCS Response: The *CARHC v. Douglas* Ninth Circuit decision allows Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) to provide the full scope of optional Medi-Cal adult dental services to both pre-Affordable Care Act (ACA) and newly-eligible adults, that were offered prior to the elimination in 2009.

DHCS confirms that a State bulletin has been published, which states that DHCS will continue to abide by the *CARHC v. Douglas* Ninth Circuit decision. Specifically, [Medi-Cal Provider Bulletin Volume 30, Number 9](#) was released in May 2014 to clarify that DHCS will continue to abide by the *CARHC v. Douglas* Ninth Circuit decision. The bulletin also identifies that dental services in the FQHC and RHC setting will remain unchanged (revert back to pre-elimination benefits).

The *CARHC v. Douglas* decision excludes Tribal health programs participating in Medi-Cal as Indian Health Services/Memorandum of Agreement (IHS/MOA) providers. Therefore, IHS/MOA providers shall offer the adult dental services that were restored effective May 1, 2014, but not the full scope of previously excluded optional Medi-Cal services offered prior to the elimination of some adult dental benefits in 2009.

2. Will you provide clarification based on the FQHC issue?

DHCS Response: Please see response to Question No. 1.

3. [Will DHCS] revise [the] memo [sic]?

DHCS response: No, DHCS does not intend to release a revised transmittal memo for SPA 14-018.