



JENNIFER KENT
DIRECTOR

State of California—Health and Human Services Agency
Department of Health Care Services



EDMUND G. BROWN JR.
GOVERNOR

June 22, 2018

The Honorable Richard Pan, Chair
Senate Health Committee
State Capitol, Room 2191
Sacramento, CA 95814

Dear Senator Pan:

ASSEMBLY BILL 2299 (AS AMENDED JUNE 18, 2018) – OPPOSE

The Department of Health Care Services (DHCS) must inform you of its opposition to Assembly Bill (AB) 2299, which is scheduled to be heard in the Senate Health Committee on June 27, 2018. AB 2299 would require DHCS to ensure that all written health education and informing materials, both those in English and those translated into threshold languages by managed care plans, are at or below the equivalent of sixth grade reading level. The bill would also require DHCS to require managed care plans to conduct, by January 1, 2020, a one-time, targeted community review of health education and informing materials in English and each threshold language, in order for members to ensure the cultural and linguistic appropriateness of materials in community-based settings. Managed care plans would be required to adopt additional readability and suitability standards developed by the community-review process by July 1, 2020.

DHCS recognizes the importance of developing materials that inform beneficiaries about their health choices in such a way that those with low health and reading literacy are able to understand them. It is because of this that DHCS already requires its managed care plans to provide materials to beneficiaries and members in an easily understood and readily accessible format. DHCS also requires its managed care plans to provide the delivery of services in a culturally competent manner, which includes the provision of documents at a sixth grade reading level and the use of readability and suitability checklists when reviewing English versions of health education materials. Furthermore, both existing federal and state law require DHCS to take reasonable steps to provide meaningful access to individuals with limited English proficiency, which includes providing language assistance services, including translated documents and oral interpretation, free of charge and in a timely manner.

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Though DHCS is supportive of the intent of AB 2299, given the existing efforts and requirements described above it is not clear that AB 2299 is necessary. In addition, AB 2299 could prove to be extremely problematic, for reasons ranging from a lack of consensus on what is considered the appropriate reading level across languages and cultures, to how difficult it would be to attempt to hold a community based process to review the tens of thousands of documents utilized by each managed care plan by January 1, 2019.

For these reasons, DHCS opposes AB 2299.

If you have any questions, please contact me at 440-7500.

Sincerely,

o/s/by: MR, for

Carol Gallegos
Deputy Director

cc: The Honorable Kansen Chu
Senate Health Committee, Members
Senate Republican Caucus
Senate Floor Analysis
Department of Finance
CHHS Legislative Unit
GO Deputy Legislative Secretary