



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



GAVIN NEWSOM
GOVERNOR

DATE: UPDATED September 15, 2020

TO: Medi-Cal Providers

SUBJECT: UPDATED Audits and Data Submittal Timeframe Extensions and Administrative Hearings

PURPOSE: Provide Medi-Cal Providers with guidance on timeframe extensions and data submittal deadlines for audits, and updates to administrative hearing timelines and processes given the Novel Coronavirus Disease (COVID-19) public health emergency.

BACKGROUND:

On April 22, 2020, Governor Gavin Newsom issued Executive Order N-55-20 that provided flexibility to the California Department of Health Care Services (DHCS) and Medi-Cal providers on a variety of deadlines and requirements to ensure continuity of service to patients and customers is not impacted by the effects of the COVID-19 pandemic.

On May 7, 2020, Governor Newsom issued Executive Order N-63-20 that provided additional flexibilities to further ensure continuity of government functions consistent with public safety and other critical public interests.

GUIDANCE:

Executive Order N-55-20 Item #1 – Audit, Review and Data Submittal Timeline Extensions

This Executive Order in relevant part provides:

Notwithstanding Welfare and Institutions Code sections 14132.100, 14132.101, 14132.107, 14170 and 14087.325(e)(2), the deadlines for providers to submit, and for DHCS to review, a cost report, change in scope of service request, or reconciliation request are each extended for an additional 90 days beyond the date on which such action would otherwise be due.

While this Executive Order is in effect, Federally Qualified Health Centers (FQHC) and Rural Health Clinics (RHC) may avail themselves of a 90-day extension of time to submit a scope-of-service change request and rate setting cost report beyond the statutory deadline date. In addition, DHCS' time frame to finalize reviews of change in scope of service requests, rate setting cost reports, and reconciliation requests are extended for an additional 90 days beyond the statutory deadline date. The 90-day extension is based on statutory deadlines that occur while Executive Order N-55-20 is in effect, not whether a provider's fiscal year ends during the state of emergency.

DHCS understands that other Medi-Cal providers may have trouble meeting cost report submittal deadlines due to the impact of COVID-19. If you require additional time to provide data to DHCS, please contact Audits and Investigations. Your request will be considered in accordance with Executive Order N-55-20 as well as state and federal law.

For FQHCs and RHCs that have any questions regarding Executive Order Item #1 guidance, please contact the Audits and Investigations FQHC/RHC Section via email at clinics@dhcs.ca.gov.

For all other Medi-Cal providers that have questions regarding Executive Order Item #1 guidance, please contact the Audits and Investigations Financial Audits Branch via email at FABaudits.Questions@dhcs.ca.gov.

Executive Order N-55-20 Item #2 and Executive Order N-63-20 Item #11– Administrative Hearings

Executive Order N-55-20 in relevant part provides:

The time limitations in Welfare and Institutions Code section 14171, subdivisions (e) and (f), and the provision of subdivision (d) making those time limitations mandatory, are suspended. DHCS may conduct administrative hearings and issue final decisions related to the administration or services of Medi-Cal or DHCS notwithstanding the time limitations set forth in section 14171, subdivisions (e) and (f). Notwithstanding the foregoing, DHCS is encouraged to adhere to the timelines set forth in those subdivisions, to the extent reasonably possible. To the extent DHCS delays a matter under this paragraph, Welfare and Institutions Code section 14171 subdivision (h) is suspended, and interest on an unrecovered overpayment shall not accrue during the delay.

Executive Order N-63-20 in relevant part provides:

Any statute or regulation that permits a party or witness to participate in a hearing in person, a member of the public to be physically present at the place where a presiding officer conducts a hearing, or a party to object to a presiding officer conducting all or part of a hearing by telephone, television, or other electronic means, is suspended, provided that all of the following requirements are satisfied:

- a) Each participant in the hearing has an opportunity to participate in and to hear the entire proceeding while it is taking place and to observe exhibits;*
- b) A member of the public who is otherwise entitled to observe the hearing may observe the hearing using electronic means; and*
- c) The presiding officer satisfies all requirements of the Americans with Disabilities Act and Unruh Civil Rights Act.*

While these Executive Orders are in effect, informal reviews, pre-hearing matters, settlement conferences, formal hearings and other matters will be conducted via telephone- or video-conference. OAHA will continue to endeavor to adhere to the timelines set forth in Welfare and Institutions Code section 14171, subdivisions (e) and (f), to the extent reasonably possible.

For questions regarding Executive Order N-55-20 Item #2 or Executive Order N-63-20 Item #11 guidance, please contact the Office of Administrative Hearings and Appeals via email at OAHAmailbox@dhcs.ca.gov.