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Medi-Cal Fee-For-Service (FFS) State Fair Hearings Section 1135 Waiver Flexibilities Relative to the 2019-Novel Coronavirus (COVID-19)

March 26, 2020

On March 16, 2020 and March 19, 2020, the Department of Health Care Services (DHCS) submitted requests to waive or modify a number of federal requirements under Section 1135 of the Social Security Act (Title 42 United States Code section 1320b-5) to the federal Centers for Medicare and Medicaid Services (CMS). DHCS' Section 1135 Waiver submission requested various flexibilities as related to the COVID-19 public health emergency, including flexibility on the timeframes for members to request Medi-Cal State Fair Hearings during the emergency period. On March 23, 2020, CMS submitted [an approval letter](#) to DHCS summarizing its approval of specific requested Section 1135 Waiver flexibilities.

Based on the March 23, 2020 approval, DHCS is issuing the following guidance relative to the Medi-Cal FFS State Fair Hearing process, which will remain in effect until further notice.

Medi-Cal FFS State Fair Hearings

Title 42 of the Code of Federal Regulations (CFR) Section 431.221(d) provides that states can choose a reasonable timeframe for individuals to request a State Fair Hearing not to exceed 90 days from the date that the notice of action (NOA) is mailed. The March 23, 2020, Section 1135 Waiver approval temporarily extends the timeframe and allows beneficiaries to have more than 90 days, up to an additional 120 days, for an eligibility or FFS appeal to request a State Fair Hearing. Specifically, individuals for whom the 90-day deadline would have occurred between March 1, 2020, through the end of the COVID-19 public health emergency, are now allowed up to an additional 120 days to request a State Fair Hearing (i.e. initial 90 day timeframe plus an additional 120 days, for a total of up to 210 days). All other existing State Fair Hearing processes remain unchanged.

Additional Resources

Any questions regarding this notice may be directed to the Telephone Service Center (TSC) at 1-800-541-5555, Monday through Friday, 8:00 a.m. through 5:00 p.m. except holidays.

Please visit DHCS' website for more information regarding [Medi-Cal State Fair Hearings](#). You can also find information on the California Department of Social Services' [website](#). For general Medi-Cal information, you can visit the [Medi-Cal website](#), and for COVID-19 specific information, please visit DHCS' [COVID-19 Response webpage](#).

For additional COVID-19 information and resources, providers are encouraged to review the following resources:

- [List of California Department of Public Health \(CDPH\) COVID-19 Guidance Documents](#)
- [Centers for Disease Control and Prevention \(CDC\) COVID-19 response](#)
 - [en Español](#)
 - [中文](#)
- [Follow CDPH Twitter for the latest COVID-19 information](#)