



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



GAVIN NEWSOM  
GOVERNOR

DATE: June 26, 2020

Behavioral Health Information Notice No: 20-032

TO: California Alliance of Child and Family Services  
California Association for Alcohol/Drug Educators  
California Association of Alcohol & Drug Program Executives, Inc.  
California Association of DUI Treatment Programs  
California Consortium of Addiction Programs and Professionals  
California Council of Community Behavioral Health Agencies  
California Opioid Maintenance Providers  
California State Association of Counties  
Coalition of Alcohol and Drug Associations  
County Behavioral Health Directors  
County Behavioral Health Directors Association of California  
County Drug & Alcohol Administrators

SUBJECT: State Nondiscrimination Requirements

PURPOSE: To communicate the Department of Health Care Services' (DHCS) Nondiscrimination Requirements.

POLICY:

DHCS, plans, providers, counties, and other partners serve Medi-Cal beneficiaries of all ages, religions, abilities, sexual orientations, gender identities, races, ethnicities and national origins. We strive to improve the health and well-being of all Californians. This commitment is enshrined in state law, which provides protections beyond the minimum standards in federal law.

This commitment is undiminished by recent changes to federal regulations. On June 12, 2020, the U.S. Department of Health and Human Services (HHS) finalized a rule, citing Section 1557 of the Affordable Care Act (ACA), that eliminates preexisting federal rules that protected individuals from discrimination based on categories like gender identity and sexual orientation. In addition, the final rule eliminates federal requirements that Medicaid programs include taglines in significant communications that inform individuals with Limited English Proficiency about the availability of language assistance services.

DHCS reminds plans, providers, counties, and other partners that, regardless of changes in federal regulations, under California law,<sup>1</sup> no person may—on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation—be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, administered or funded by the State. This includes, but is not limited to, the Medi-Cal program.

In addition, California law<sup>2</sup> requires DHCS, Mental Health Plans, and counties providing Drug Medi-Cal services through the Drug Medi-Cal Organized Delivery System to provide notice of the availability of free language assistance services in English and in the top 15 languages spoken by limited-English-proficient individuals in California.

Counties providing State Plan Drug Medi-Cal services are currently obligated under their contracts to provide this same notice of free language assistance services pursuant to federal law. This federal law remains in effect for 60 days after the publication of the rule change. Counties are advised that the fiscal year 2020/2021 amendments to the State Plan Drug Medi-Cal contracts, which will be effective July 1, 2020, will include provisions to ensure that notice of language assistance continues after the federal rule change goes into effect.

In California, we are focused on building an inclusive and nondiscriminatory health care system. DHCS strives to ensure that Californians of all identities—including those who have special needs or vulnerabilities, and those who have faced discrimination and marginalization—have equal opportunity to access affordable, high-quality health care.

Sincerely,

Original signed by

Kelly Pfeifer, M.D.  
Deputy Director  
Behavioral Health

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<sup>1</sup> California Government Code § 11135.

<sup>2</sup> California Welfare and Institutions Code §§ 14029.91, 14029.92, 14727.