



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



GAVIN NEWSOM
GOVERNOR

DATE: June 24, 2020

ALL PLAN LETTER 20-015

TO: ALL MEDI-CAL MANAGED CARE HEALTH PLANS

SUBJECT: STATE NON-DISCRIMINATION AND LANGUAGE ASSISTANCE
REQUIREMENTS

PURPOSE:

The purpose of this All Plan Letter (APL) is to remind Medi-Cal managed care health plans (MCPs) of continued nondiscrimination prohibitions and language assistance requirements pursuant to state law in light of recent federal rule changes.

BACKGROUND:

In California, building an inclusive and nondiscriminatory health care system is vital to ensuring that Californians of all identities—including those who may have special needs or vulnerabilities, and those who have faced discrimination and marginalization—have an opportunity to access affordable, high-quality health care. This commitment is enshrined in state law, which provides protections beyond the minimum standards in federal law.¹

On June 12, 2020, the U.S. Department of Health and Human Services finalized a rule, citing Section 1557 of the Affordable Care Act, which eliminates preexisting federal rules protecting 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 (LEP) about the availability of language assistance services.

Pursuant to state law, 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, gender, gender identity, 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

¹ Government Code section 11135 and Welfare and Institutions Code sections 14029.91 and 14029.92.

conducted, operated, administered or funded by the state. This includes, but is not limited to, the Medi-Cal program. In addition, Senate Bill (SB) 223 (Chapter 771, Statutes of 2017) and SB 1423 (Chapter 568, Statutes of 2018) codified into state law certain federal nondiscrimination protections and language assistance requirements specific to DHCS and MCPs and incorporated additional characteristics protected under state nondiscrimination law, including gender, gender identity, marital status, ancestry, religion and sexual orientation.²

POLICY:

MCPs are reminded that regardless of the changes in federal regulations, state law requires that MCPs must not unlawfully discriminate, exclude people, or treat them differently because of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, gender, gender identity, or sexual orientation.

In addition, MCPs must continue to provide notice of their nondiscrimination policies and grievance procedures in English, and must continue to provide taglines notifying members of the availability of free language assistance services in English and in the Top 16 languages spoken by LEP individuals in California as required in APL 17-011, Standards for Determining Threshold Languages and Requirements for Section 1557 of the Affordable Care Act, and APL 17-006, Grievance and Appeal Requirements and Revised Notice Templates and “Your Rights” Attachments (under the heading of Nondiscrimination Notice and Language Assistance Taglines), including any subsequent updates or revisions to these APLs.³

MCPs are responsible for ensuring that their subcontractors and network providers comply with all applicable state and federal laws and regulations, contract requirements, and other Department of Health Care Services guidance, including APLs and Policy Letters. These requirements must be communicated by each MCP to all subcontractors and network providers.

² SB 223 and SB 1423 can be found at the following link:

<http://leginfo.legislature.ca.gov/faces/codes.xhtml>

³ APLs can be found at the following link:

<https://www.dhcs.ca.gov/formsandpubs/Pages/MgdCarePlanPolicyLtrs.aspx>

If you have any questions regarding this guidance, please contact your Managed Care Operations Division Contract Manager.

Sincerely,

Original Signed by Nathan Nau

Nathan Nau, Chief
Managed Care Quality and Monitoring Division