



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



GAVIN NEWSOM  
GOVERNOR

November 19, 2021

To: Tribal Chairpersons, Designees of Indian Health Programs,  
and Urban Indian Organizations

Subject: Notice of Proposed Change to the Medi-Cal Program

The purpose of this letter is to provide information regarding a proposed change to the Department of Health Care Services' (DHCS) Medi-Cal Program that will be submitted to the Centers for Medicare and Medicaid Services (CMS). DHCS is forwarding this information for your review and comment.

DHCS is required to seek advice from designees of Indian Health Programs and Urban Indian Organizations on Medi-Cal matters having a direct effect on Indians, Indian Health Programs or Urban Indian Organizations per the American Recovery and Reinvestment Act of 2009 (ARRA). DHCS must solicit the advice of designees prior to submission to CMS of any State Plan Amendment (SPA), waiver requests or modifications, or proposals for demonstration projects in the Medi-Cal program.

Please see the enclosed summary for a detailed description of this DHCS proposal.

**QUESTIONS AND COMMENTS:**

Indian Health Programs and Urban Indian Organizations may also submit written comments or questions concerning this proposal within 30 days from the receipt of notice. Comments may be sent by email to [christal.winkler@dhcs.ca.gov](mailto:christal.winkler@dhcs.ca.gov) or by mail to the address below:

**Contact Information**

Department of Health Care Services  
Third Party Liability and Recovery Division  
Attn: Christal Winkler, MS 7425  
P.O. Box 997425  
Sacramento, CA 95899-7425

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In addition to this notice, DHCS plans to cover this SPA in the next quarterly Medi-Cal Indian Health webinar. Please note that Indian Health Programs and Urban Indian Organizations may also request a consultation on this proposal at any time as needed.

Sincerely,

Original signed by Andrea Zubiarte for

Sandra "Sam" Willburn, Chief  
Office of Tribal Affairs  
Department of Health Care Services

Enclosure



**Department of Health Care Services (DHCS)  
Tribal and Designees of Indian Health Programs Notice**

**PURPOSE**

To seek federal approval to prohibit collection on any amount of payment from the Victim Compensation Program, state-sponsored sterilization, following the death of the Medi-Cal member.

**BACKGROUND**

Assembly Bill 137<sup>1</sup> (2021), added Health and Safety Code (HSC), Chapter 1.6, Section 24210<sup>2</sup> which establishes the Forced or Involuntary Sterilization Compensation Program, to be administered by the California Victim Compensation Board, with the purpose of providing compensation to the following individuals:

- 1) Any survivor of state-sponsored sterilization conducted pursuant to eugenics laws that existed in the State of California between 1909 and 1979; and
- 2) Any survivor of coercive sterilization performed on an individual under the custody and control of the Department of Corrections and Rehabilitation after 1979.

Usually after a Medi-Cal member passes away, DHCS may collect the cost of Medi-Cal services, including payments made to managed care plans, from his/her estate. However, AB 137 added HSC, Chapter 1.6, Section 24217<sup>3</sup> and establishes that following the death of a qualified recipient, the state shall not seek recovery of any amount of the victim compensation payment.

**SUMMARY OF PROPOSED CHANGES**

SPA 21-0069 proposes to prohibit the Medi-Cal Estate Recovery Program from seeking collection on any amount of the payment from the Victim Compensation Program, state-sponsored sterilization, following the death of the Medi-Cal member.

**IMPACT TO TRIBAL HEALTH PROGRAMS**

DHCS does not anticipate any impact to Tribal health programs as a result of this proposed SPA.

**IMPACT TO FEDERALLY QUALIFIED HEALTH CENTERS (FQHCs)**

DHCS does not anticipate any impact to FQHCs as a result of this proposed SPA.

**IMPACT TO INDIAN MEDI-CAL BENEFICIARIES**

DHCS anticipates a potential impact on American Indian Medi-Cal beneficiaries only to the extent that the beneficiary received payments from the Forced or Involuntary Sterilization Compensation Program. Upon the beneficiary's death, these payments would be exempt from repayment and DHCS will not seek recovery of these funds to cover the cost of Medi-Cal services.

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<sup>1</sup> Assembly Bill (AB) 137 is available at:  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB137](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB137)

<sup>2</sup> Health and Safety Code is available at:  
[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=HSC&division=20.&title=&part=&chapter=1.6.&article](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=20.&title=&part=&chapter=1.6.&article)

<sup>3</sup> Health and Safety Code is available at:  
[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=HSC&division=20.&title=&part=&chapter=1.6.&article](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=20.&title=&part=&chapter=1.6.&article)

**RESPONSE DATE**

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