



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



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DIRECTOR

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March 9, 2020

TO: ALL COUNTY WELFARE DIRECTORS Letter No: 20-05
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MEDS LIAISONS
ALL CONSORTIA/SAWS PROJECT MANAGERS

SUBJECT: SUBMISSION OF COMPLETED MEDI-CAL DISCRIMINATION
COMPLAINT INVESTIGATIONS TO THE DEPARTMENT OF HEALTH
CARE SERVICES, OFFICE OF CIVIL RIGHTS

This All County Welfare Directors Letter (ACWDL) instructs counties to submit completed county discrimination complaint investigations that are limited to the Medi-Cal program to the Department of Health Care Services (DHCS) Office of Civil Rights (OCR) for approval before closing out the complaint. A discrimination complaint may be limited to the Medi-Cal program if the complainant is a Medi-Cal-only applicant or recipient, or if the allegations in the complaint are otherwise limited to the county's administration of the Medi-Cal program.

Background

The California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP), Chapter 21, Nondiscrimination in Federally Assisted Programs, establishes county compliance standards for federal and state civil rights laws (MPP, §§ 21-100 – 21-205.) These laws include Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Title II of the Americans With Disabilities Act of 1990; the Age Discrimination Act of 1975, as amended; California Civil Code, Section 51 et seq., as amended; California Government Code, Section 11135 et seq., as amended; California Government Code, Section 4450; and other applicable federal and state laws and their implementing regulations (MPP, § 21-101.)

MPP Section 21-203 sets forth procedures counties are required to follow to investigate and resolve applicant and recipient discrimination complaints. MPP Section 21-203 requirements apply to county welfare departments and all other agencies receiving federal or state financial assistance through CDSS for the administration of public

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assistance, food stamps, child support enforcement, fraud investigation and social services (MPP, § 21-103.)

Counties receiving federal and/or state funding through DHCS in connection with the administration of the Medi-Cal program are also required to have discrimination complaint procedures in place under federal and state civil rights laws, including, without limitation, Section 1557 of the Patient Protection and Affordable Care Act (45 C.F.R. § 92.7), Section 504 of the Rehabilitation Act of 1973 (45 C.F.R. § 84.7), and Title II of the Americans With Disabilities Act of 1990 (28 C.F.R. § 35.107.)

Policy

Counties receiving federal or state funding through DHCS are required to follow MPP Section 21-203, Applicant/Recipient Complaints of Discriminatory Treatment, when investigating discrimination complaints involving county administration of the Medi-Cal program.

The MPP requires counties to notify CDSS of completed discrimination complaint investigations involving programs over which CDSS has regulatory authority (MPP, § 21-203.81.) In such cases, counties must obtain CDSS approval prior to closing out a discrimination complaint (MPP, § 21-203.82.)

This ACWDL requires counties to submit completed discrimination complaint investigations that are limited to the Medi-Cal program to DHCS OCR for approval to close out the complaint, instead of seeking approval to close from CDSS. A complaint may be limited to the Medi-Cal program if the complainant is a Medi-Cal-only applicant or recipient, or if the allegations in the complaint are otherwise limited to the county's administration of the Medi-Cal program. In such cases, counties following the complaint closure procedures outlined in MPP Section 21-203.8 are instructed to substitute DHCS for CDSS in seeking agency approval to close out the complaint.

Complaint closure documents should be submitted in a secure format to DHCS OCR at CivilRights@dhcs.ca.gov.

If you have any questions, or if we can provide further information, please contact DHCS OCR, by phone at (916) 440-7370, 711 (California State Relay) or by email at CivilRights@dhcs.ca.gov.

Original Signed By

Erin Whitsell, Acting Deputy Director
Office of Civil Rights