

DATE: November 17, 2023

Medi-Cal Eligibility Division Information Letter No.: I 23-55

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS

SUBJECT: *Update to Noticing Procedures under Rivera v. Douglas (2015)*

(References: All County Welfare Directors Letters (ACWDL) 21-32, 22-24, Medi-Cal Eligibility Information Letters (MEDIL) I 15-11, I 23-45)

The purpose of this Medi-Cal Eligibility Division Information Letter is to inform counties of forthcoming changes to the noticing requirements and procedures established under the court order issued in *Rivera v. Douglas* (2015) and outlined in MEDIL [I 15-11](#).

Background

In 2015, the Department of Health Care Services (DHCS) received two court orders as part of the *Rivera* lawsuit that required DHCS to notify applicants of their right, authorized by state and federal law, to file an appeal and request a hearing when a non-disability based Medi-Cal eligibility determination has not been performed within 45 days, unless an exception applies. As a result of this lawsuit, beginning with the 2015 Open Enrollment, DHCS was ordered to issue a Notice of Inaction (NOI) for applicants who had not received a Notice of Action (NOA) resulting from a final Medi-Cal determination within 45 days of filing their application. The NOI was to notify applicants of their right to file an appeal and request a hearing as to why their eligibility determination had not been performed within 45 days. The NOI may be found in MEDIL I 15-11.

On May 10, 2021, a settlement was reached in the *Rivera* lawsuit that requires DHCS to grant Medi-Cal accelerated enrollment to applicants who meet all eligibility criteria pending the county requesting required eligibility verifications. To meet these terms DHCS expanded the expedited enrollment process established for children known as “Accelerated Enrollment” (AE) to adults who submit online applications through the California Healthcare Eligibility, Enrollment and Retention System (CalHEERS) or by calling the Covered California Service Center but are pending required verifications. DHCS also implemented the AE process for adults and children in the Statewide Automated Welfare System (SAWS) as detailed in MEDIL [I 23-45](#). Guidance for the implementation of AE is established in ACWDL [21-32](#) and [22-24](#).

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Rivera v. Douglas Noticing Requirements

As a result of the successful implementation of AE in the CalHEERS and SAWS systems, DHCS will no longer be required under the conditions of the *Rivera* settlement to furnish NOIs for applicants.

No later than December 31, 2023, DHCS will suspend the transmission of weekly data to counties which identify applications at risk of meeting the criteria under the former *Rivera* noticing procedures to issue a NOI. *Rivera* NOI mailers issued through our State print vendor will also no longer be issued after December 2023.

Following the cessation of the weekly list, counties will no longer be required to take action to inform DHCS of the application status of Rivera Candidates in Group 2 as outlined in MEDIL I 15-11. In collaboration with the County Welfare Directors Association and counties, DHCS will issue further guidance to fully obsolete the existing NOI processes in a forthcoming ACWDL.

If you have any questions, or if we can provide further information, please contact William White, by phone at (916) 345-8224 or by email at William.White@dhcs.ca.gov.

Sincerely,

Yingjia Huang
Assistant Deputy Director
Health Care and Benefits
Department of Health Care Services