



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



ARNOLD SCHWARZENEGGER
Governor

July 30, 2008

TO: ALL COUNTY WELFARE DIRECTORS Letter No.: 08-32
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MENTAL HEALTH DIRECTORS

SUBJECT: NOTICE OF ACTION REQUIREMENTS
(Reference: All County Welfare Directors Letter 96-56; Medi-Cal Eligibility Procedures Manual, Article 4U Notices of Action; Title 22 California Code of Regulations Section §50179; Title 42 Code of Federal Regulations Sections 431.210 and 435.912; Dymally-Alatorre Bilingual Services Act, Government Code Section 7290, et. seq.; and Title VI of the Civil Rights Act of 1964)

The purpose of this letter is to advise county welfare departments (CWD) that interim measures must be implemented that will ensure Medi-Cal applicants/beneficiaries receive Notices of Action (NOA) that clearly communicate the accurate eligibility status and the reason why an action is being taken. It is not the intent of this All County Welfare Directors Letter (ACWDL) to address changes to other NOA policies previously issued by the Department of Health Care Services (DHCS). Any new or revised NOA policies will be communicated through future ACWDLs.

BACKGROUND

In 2007, DHCS convened a NOA Workgroup to respond to concerns that were raised by applicants/beneficiaries and advocacy groups regarding applicants and beneficiaries receiving multiple, confusing and conflicting NOAs and NOAs sent in inappropriate languages. The NOA Workgroup, comprised of staff from DHCS, counties, consortia, and advocacy groups, have recommended a number of interim and long-term improvements to respond to the concerns.

INTERIM COUNTY ACTIONS

Initially, DHCS requires counties to implement the following two interim measures recommended by the NOA Workgroup to eliminate multiple NOAs and provide meaningful language access to applicants and beneficiaries if the NOA is not available in their preferred language.

ELIMINATE MULTIPLE OR CONFLICTING NOTICES OF ACTION

Effective October 1, 2008, counties shall:

1. Take any measures possible to stop sending NOAs for every program for which the applicant/beneficiary has been evaluated for and does not qualify, and to instead, send a single NOA informing beneficiaries of the final result of the eligibility determination. This situation can occur at intake, redetermination, any time a change is reported, or in any situation where the county worker must follow the eligibility hierarchy to determine which program an applicant or beneficiary qualifies. The NOA(s) that is sent to the applicant/beneficiary should reflect only the final authorized action(s).

DHCS is requiring only that counties/consortia ensure that NOAs for every program for which the applicant/beneficiary has been evaluated for and does not qualify shall not be sent to the beneficiary. The NOA(s) that is sent to the applicant/beneficiary should reflect only the final authorized action(s). Current NOA procedures should otherwise be followed in the interim period.

Example Scenarios:

- A. An applicant is found to be ineligible for the first five Medi-Cal programs in the eligibility hierarchy and is found to be eligible for the sixth Medi-Cal program in the eligibility hierarchy. The county is required to ensure the applicant/beneficiary does not receive denial NOAs for the five programs he/she has been evaluated for and does not qualify and only receives the approval NOA for the sixth program.
- B. An applicant/beneficiary is found to be ineligible for all Medi-Cal programs in the eligibility hierarchy and does not qualify for Medi-Cal. The county is required to suppress all but one NOA explaining the denial/discontinuance action. If the county currently has a system in place for suppressing all but one NOA to explain the denial/discontinuance, DHCS is not requesting any changes to be made at this time. All other counties should suppress all NOAs except for the NOA that was generated last (providing it reflects the final authorized action(s)).

- C. During the Annual Redetermination process or at anytime a beneficiary is determined to be no longer eligible for program "A" and is found to be eligible for program "B".

If a county currently sends a discontinuance NOA for program "A" along with an approval NOA for program "B," the county should continue to follow this procedure.

If a county currently sends a discontinuance NOA for program "A" along with multiple NOAs, some of which are denials that do not affect final eligibility and one of which is an approval for program "B," only the discontinuance for program "A" and approval for program "B" should be sent to the beneficiary.

If the county currently sends one NOA explaining the discontinuance for program "A" and approval for program "B," the county should continue to follow this procedure.

2. Review current business practices for issuing manual NOAs prior to mailing and, to the extent possible, batch NOAs after mailing to determine the necessary steps that must be taken to ensure that applicants and beneficiaries do not receive multiple or conflicting notices.

While it is unreasonable to require that counties review all batch NOAs after they have been mailed to applicants/beneficiaries, DHCS is requiring that counties/consortia review their practices for issuing batch NOAs to ensure that batch NOAs are not contributing to the release of multiple NOAs which do not affect final eligibility.

3. Advise staff to take any measure possible to ensure a single NOA that describes the action(s) to be taken is sent to the applicant or beneficiary. This includes but is not limited to manually suppressing NOAs generated automatically which do not affect the final eligibility or the action being taken.

At this time, DHCS requires counties/consortia to implement interim measures to stop the issuance of multiple NOAs that do not affect final eligibility at intake, redetermination or any time a change is reported (i.e. multiple denial NOAs that do not affect final eligibility).

Counties should follow current procedures for sending NOAs to applicants/beneficiaries in all other situations. The NOA Workgroup has recommended that DHCS issue guidelines for all scenarios or programs that require that the county send additional NOAs to the applicant/beneficiary. These guidelines will be issued in a subsequent ACWDL that will update DHCS NOA policies.

While DHCS is not requiring county and consortia system changes be implemented to prevent issuing multiple NOAs at this time, counties and consortia should develop interim solutions, to the extent possible, that will help to prevent issuing multiple and confusing NOAs. Counties and consortia will be required to make NOA related system changes at a later date in response to the updated NOA policies. This is explained in further detail in the “Future DHCS NOA Policies” section below.

Additionally, counties are reminded to review all manual NOAs prior to mailing and, to the extent possible, batch NOAs after mailing to applicants or beneficiaries in order to ensure the NOA accurately describes eligibility, level of benefits, reason for the action, etc.

Best Practices

The NOA Workgroup members suggest the following Best Practices to ensure accurate NOAs are sent to applicants/beneficiaries:

Advise staff to review all NOAs prior to mailing and to only send out the approval, discontinuance, or denial NOA that was appropriate for the case and make sure that any other NOAs were suppressed (as noted above, a discontinuance NOA and approval NOA could be sent to the applicant/beneficiary at the same time).

This can be done through:

- Departmental newsletters, email, or memos
- Training sessions
- Oversight of supervisory staff

ENSURE INDIVIDUALS HAVE ACCESS TO BILINGUAL/INTERPRETIVE SERVICES

Counties shall immediately take steps necessary to ensure that limited English proficient (LEP) individuals have meaningful access to NOA messages. In order to comply with Title VI of the Civil Rights Act of 1964 and the Dymally-Alatorre Bilingual Services Act, Government Code Section 7290, et. seq., counties are required to provide translation services to all non-English and LEP participants regardless of whether the State has translated the NOA. This means that the county must, at a minimum, provide oral interpretation of all forms, materials, and notices necessary for the participant to participate in and benefit from the Medi-Cal program.

Counties should be aware that if they do not have an individual on site to interpret the requested language, a service such as those that provide telephone-based interpretation services should be utilized to provide meaningful language access.

In order to ensure LEP individuals are aware of the translation services they are entitled to, counties must send a multilingual notification with all NOA mailings effective October 1, 2008 as an interim measure until NOAs are translated in threshold languages. The multilingual notification must be included with every NOA sent to all applicants/beneficiaries regardless of the primary language specified on Medi-Cal Eligibility Data System (MEDS). If by October 1, 2008 a systems solution is not available to counties, the notifications shall be manually inserted to meet this requirement.

Counties shall implement one of the following three multilingual notification options:

- 1) **MC 4034:** The newly designed DHCS Language Services Notice has the following message in English and the eleven designated threshold languages* used in Medi-Cal program publications:
If you do not understand this information or notification, call your county Medi-Cal worker. You have the right to interpreter services provided by the county at no cost to you.

The MC 4034 Language Services Notice can be found on the DHCS website.

The direct link for the MC 4034 is:

<http://www.dhcs.ca.gov/formsandpubs/forms/Forms/MC%204034.pdf>

The MC 4034 can also be found on the Medi-Cal Eligibility Forms Listed by Number page:

<http://www.dhcs.ca.gov/formsandpubs/forms/Pages/MCEBbyNumber.aspx>

Eventually the MC 4034 will be placed on the Medi-Cal Eligibility Forms Listed by Translated Languages page under the heading "Multilingual Translations" at:

<http://www.dhcs.ca.gov/formsandpubs/forms/Pages/MCEBTranslatedForms.aspx>

Hard copies of the MC 4034 are currently available for counties to order through the DHCS warehouse.

- 2) **County Customized Notification:** Counties have the option of designing a multilingual notification that must be approved by DHCS prior to use. The multilingual notification must:

- Inform applicants/beneficiaries they should call their worker if they do not understand the information or notification,
- Inform applicants/beneficiaries they have the right to free interpreter services provided by the county,
- Display the message in English and the eleven designated threshold languages* used on a statewide basis for Medi-Cal publications. Additional languages may also be translated on a county's multilingual form if needed to assist LEP applicants/beneficiaries residing in the county.
- Be printed in a 12 point font size.

- 3) **GEN 1365: California Department of Social Services (CDSS) Designed Notification:** CDSS has designed a multilingual notification that includes the following message in the languages CDSS currently supports:

If you do not understand this information or notification, call your county worker. You have the right to interpreter services provided by the county at no cost to you.

This notification is available to counties and consortia on the CDSS website at <http://www.cdss.ca.gov/cdssweb/entres/forms/Multi/GEN1365MUL.pdf> and may be used by counties and consortia to fulfill the requirement of ensuring applicants/beneficiaries have access to bilingual/interpreter services.

Please Note

During NOA Workgroup discussions, DHCS was informed that some counties have been utilizing the CDSS form, DEP 3006 Notice of Language Services, to fulfill these requirements. CDSS has contacted counties and consortia to notify them the DEP 3006 form may no longer be utilized by the counties and may be replaced by the new CDSS form, the GEN 1365.

For purposes of the Medi-Cal program, counties shall discontinue use of the DEP 3006 immediately. By October 1, 2008 counties are required to utilize any of the three options listed above to ensure that LEP individuals have meaningful access to NOA messages.

COUNTY IMPLEMENTATION CONFIRMATION

DHCS staff will contact all counties by email on October 1, 2008. Counties will be given 30 days to respond to DHCS with confirmation that all possible interim measures to stop multiple NOAs and to ensure individuals have access to bilingual/interpreter services have been implemented. DHCS will provide technical assistance to counties as needed at this time.

FUTURE DHCS NOA POLICIES

Based on the long-term improvements that have been recommended by the NOA Workgroup, DHCS is developing a simplified NOA format to be standardized throughout the State. The simplified NOA format is intended to provide only the necessary information about the applicant and/or beneficiary's eligibility status, level of benefits, share of cost, if any, and other information required by law.

DHCS will make every attempt to release an ACWDL during Fall 2008 that will describe the simplified NOA format policy. Prior to final release of the ACWDL, counties and stakeholders will have the opportunity to provide feedback on the simplified NOA policy, NOA format, and required NOA language.

To the extent feasible, within available resources, DHCS will plan to translate simplified NOAs into the eleven threshold languages prior to releasing future ACWDLs to provide meaningful access to notices for LEP individuals.

*The eleven threshold languages are Spanish, Vietnamese, Chinese, Korean, Russian, Armenian, Farsi, Khmer, Hmong, Arabic and Tagalog.

If you have any questions regarding this letter, please contact Ms. Alison Shull at (916) 552-9510 or by email at Alison.Shull@dhcs.ca.gov.

Original Signed By:

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