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Director

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



EDMUND G. BROWN JR.
Governor

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TO: ALL COUNTY WELFARE DIRECTORS Letter No.: 17-38
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MENTAL HEALTH DIRECTORS

SUBJECT: Access to Pregnancy Services Regardless of Identification of Gender

The purpose of this All County Welfare Directors Letter (ACWDL) is to highlight updates made as part of the Affordable Care Act (ACA) related to who is eligible for pregnancy services. This ACWDL requests that counties update the Notice of Action (NOA) sent to persons applying for Medi-Cal or other Insurance Affordability Programs (IAPs) if the applicant is pregnant. This ACWDL also informs counties how providers are to submit claims for pregnancy services to the California Medicaid Management Information System for persons with a gender identity other than female.

Health Program Access in the ACA

Section 1557 of the ACA prohibits discrimination based on race, color, national origin, sex, age, or disability in certain health programs and activities. Title 45 of the Code of Federal Regulations, Section 92.206 states:

A covered entity shall provide individuals equal access to its health programs or activities without discrimination on the basis of sex; and a covered entity shall treat individuals consistent with their gender identity, except that a covered entity may not deny or limit health services that are ordinarily or exclusively available to individuals of one sex, to a transgender individual based on the fact that the individual's sex assigned at birth, gender identity, or gender otherwise recorded is different from the one to which such health services are ordinarily or exclusively available.

Statewide Automated Welfare System (SAWS) and NOAs

The SAWS shall make the programming changes to all Medi-Cal NOAs sent out to a Medi-Cal beneficiary or applicant who is pregnant or inquiring about Medi-Cal coverage of pregnancy services that are necessary, to change the verbiage from “pregnant woman” to “pregnant person” during the next available SAWS release. SAWS should ensure that changes for the Medi-Cal program do not adversely affect other program’s eligibility requirements. Additionally, the SAWS should make any other changes as necessary, including other notifications or portal language, to update references from “pregnant woman” to “pregnant person.”

SAWS programming should allow pregnancy to be selected or reported as a change during the application process for any person on the Medi-Cal case regardless of gender. SAWS should continue to record reported gender as usual.

Claiming Process for Pregnancy Services

As of July 18, 2016, all persons, regardless of gender identity, may request eligibility on the basis of pregnancy when applying for Medi-Cal or other IAPs, including the Presumptive Eligibility for Pregnant Women and Hospital Presumptive Eligibility programs. Currently, the beneficiary's doctor must submit a Treatment Authorization Request (TAR) explaining that the services requested are medically necessary.

Medi-Cal has 30 days to take action on the TAR. The TAR overrides gender limitations on procedure codes and allows a person with a gender identity other than female to receive pregnancy related services. Effective July 2017, the Medi-Cal Eligibility Data System will allow assignment of the Medi-Cal and Medi-Cal Access Program pregnancy aid codes to all genders. If a beneficiary has questions or needs assistance in having a claim paid due to a gender identity issue, they can contact the Medi-Cal Member and Provider Helpline at (800) 541-5555.

Single Streamlined Application (SSApp) Update Pending

The Department of Health Care Services (DHCS) is implementing Change Request (CR) 70497 to the California Healthcare Eligibility, Enrollment, and Retention System to update the online SSApp to allow an applicant of any gender to identify as pregnant when applying for Medi-Cal or other health IAPs. This CR has been scheduled to be implemented in phases, beginning in Release 17.6. The portion of CR 70497 that allows an applicant of any gender identity to select pregnancy was implemented in the first phase, on June 26, 2017. For more information on CR 70497, please refer to Medi-Cal Eligibility Division Information Letter I-17-08. While both the paper SSApp and the paper SAWS 2 Plus will be updated as a result of CR 70497, the paper application forms already allow an individual of any gender to identify as pregnant.

If you have any questions, or if we can provide further information, please contact Ms. Cynthia Cannon by phone at (916) 552-9499 or by email at Cynthia.Cannon@dhcs.ca.gov.

Originally Signed by,

Sandra Williams, Chief
Medi-Cal Eligibility Division