

## DEPARTMENT OF HEALTH SERVICES

4744 P STREET  
SACRAMENTO, CA 95814  
D 45-1797



July 30, 1979

To: All County Welfare Directors

Letter No. 79-19

## MEDI-CAL COVERAGE OF ABORTIONS

The 1979-80 Budget Act limits Medi-Cal funding for abortions performed after August 15, 1979.

A Medi-Cal provider bulletin is being released in the immediate future outlining the circumstances under which Medi-Cal will pay for abortions. In the interim, provider inquiries should be referred to the local Medi-Cal field office. Please refer to Attachment A for a listing of these offices. Beneficiaries requesting information on abortion coverage should be informed of the circumstances under which Medi-Cal will pay for abortions (see Attachment B) and advised to contact their physicians if they have additional questions.

As these new limitations represent a reduction in benefits, it is necessary to provide all current eligibles with Notices of Action. Attached is a copy of the stuffer notice (Attachment C) which will be distributed to beneficiaries with the August Medi-Cal cards, produced via the CID system. Persons enrolled in prepaid health plans will also receive a copy of the attached notice.

The county welfare departments shall provide a copy of this Notice of Action to any beneficiary to whom the county issues a Medi-Cal card for the month of August. A supply of the notice will be mailed to each county with the August "Transaction Code 5" Medi-Cal cards. Additional supplies may be ordered through the Department's warehouse. As there is no form number on the stuffer, the supply requisition (HAS 1390) should indicate that the "ABORTION STUFFER NOTICE OF ACTION" is being requested.

The Budget Act restrictions do not affect a child's right to apply for minor consent services under California Administrative Code, Title 22, Section 50147.1. It also does not affect a woman's right to obtain an abortion. The new law only limits the Medi-Cal funding of abortions.

All County Welfare Directors

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July 30, 1979

Please direct any questions regarding this letter to your Medi-Cal field representative.

Sincerely,

Original signed by

Barbara V. Carr for  
Doris Z. Soderberg, Chief  
Eligibility Branch

Attachments

cc: Medi-Cal Liaisons  
Medi-Cal Field Representatives

Expiration Date: January 31, 1980

MEDI-CAL FIELD SERVICES OFFICES

Medi-Cal Field Office - Fresno  
3374 East Shields Avenue  
Fresno, CA 93726  
(209) 488-5614

Medi-Cal Field Office - Los Angeles  
107 South Broadway  
Los Angeles, CA 90012  
(213) 620-4945

Medi-Cal Field Office - Modesto  
1700 McHenry Avenue  
68 McHenry Village  
Modesto, CA 95350  
(209) 526-9404

Medi-Cal Field Office - Redding  
2400 Washington Boulevard  
Suite 220  
Redding, CA 96001  
(916) 246-6234

Medi-Cal Field Office - Sacramento  
2424 Arden Way  
Building D, Suite 100  
Sacramento, CA 95825  
(916) 920-6865

Medi-Cal Field Office - San Francisco  
100 Mission Street  
9th Floor  
San Francisco, CA 94105  
(415) 557-2770

Medi-Cal Field Office - Santa Barbara  
3704 State Street  
Santa Barbara, CA 93105  
(805) 682-2452

Medi-Cal Field Office - San Bernardino  
606 East Mill Street  
San Bernardino, CA 92408  
(714) 383-4192

Medi-Cal Field Office - San Diego  
6153 Fairmont Avenue  
San Diego, CA 92120  
(714) 237-7431

Medi-Cal Field Office - Oakland  
508 16th Street, Room 515  
Oakland, CA 94621  
(415) 464-1388

Medi-Cal Field Office - San Jose  
111 North Market Street  
San Jose, CA 95113  
(408) 277-1751

Medi-Cal Field Office - Santa Rosa  
2800 Cleveland Avenue, Suite 9  
Santa Rosa, CA 95401  
(707) 542-6344

### CHANGES IN MEDI-CAL FUNDED ABORTIONS

As a result of the 1979-80 Budget Act, the circumstances under which Medi-Cal will pay for an abortion after August 15, 1979 are severely restricted.

Under previous policy, the Medi-Cal program covered all abortions regardless of the medical basis for the procedure. Effective August 16, 1979 Medi-Cal will fund only those abortions which end pregnancies endangering the woman's life or health, or are likely to result in the birth of an abnormal child, or which result from rape, unlawful intercourse, or incest. The exact conditions and circumstances are:

1. The life of the pregnant woman would be endangered if the fetus were carried to full term.
2. The pregnancy is ectopic.
3. The pregnancy results from an act of forcible rape punishable under Section 261 of the Penal Code, provided:
  - a. the act has been reported within 60 days to an appropriate law enforcement agency or a public health agency which further reported the act to an appropriate law enforcement agency within three working days.
  - b. The abortion occurs no later than the first trimester.
4. The pregnancy results from an act of incest punishable under Section 285 of the Penal Code, provided:
  - a. The act has been reported to an appropriate law enforcement agency or a public health agency which further reported the act to an appropriate law enforcement agency within three working days.
  - b. The abortion occurs no later than the second trimester.
5. The pregnancy results from an act of unlawful sexual intercourse punishable under Section 261.5 of the Penal Code, and the pregnant woman is under 18 years of age at the time of the abortion, provided:
  - a. The pregnant woman's parent or guardian, or if none, an adult of the pregnant woman's choice is notified at least five days prior to the abortion by the physician who performs the abortion. Approval of the person notified is not required as a condition of coverage.
  - b. Notification shall include the name of the pregnant woman, the fact that an abortion is to be performed and the fact that consent of the person notified is not required.
  - c. The pregnant woman is informed that such notification is a condition of coverage for abortion services.

- d. The pregnant woman consents to the report.
- e. The abortion is performed no later than the first trimester.
- 6. It is determined by prenatal studies limited to amniocentesis, fetal blood sampling, fetal angiography, ultrasound, x-ray, or maternal blood examination that the pregnant woman is likely to give birth to a child with a major or severe genetic or congenital abnormality due to the presence of chromosomal abnormalities, neural tube defects, biochemical diseases, hemoglobinopathies, sex-linked diseases, or infectious processes.
- 7. It is certified under penalty of perjury by two physicians, one of whom, where practicable, is a specialist in the affected medical discipline that if the pregnancy were carried to term, severe and long-lasting physical health damage to the pregnant woman would result on account of conditions such as:

Toxemia	High Blood Pressure with Renal Complications
Renal Failure	
Unilateral Kidney	High Blood Pressure with Previous Cardio-Vascular Accident
Addisons Disease	Congestive Cardiac Failure
	Severe Neuromuscular Disorder

#### DEFINITIONS

Ectopic: the development of a fertilized ovum outside of the uterus.

Appropriate law enforcement agency: an agency charged under applicable law with enforcement of the general penal statutes of the United States or of any state or local jurisdiction.

Public Health Agency: a governmental agency which provides health or medical services, except that agencies whose principal function is the performance of abortions are excluded from this definition; or a rural health clinic.

Trimester: a period or term of three months.

**MEDI-CAL NOTICE OF ACTION - REDUCTION IN BENEFITS**

Medi-Cal users are hereby informed that effective August 16, 1979, the abortions that Medi-Cal can pay for will be sharply reduced under a new State law. Basically, after August 15, Medi-Cal will fund only those abortions which end pregnancies that are ectopic, endanger the woman's life or health, are likely to result in the birth of an abnormal child, or which result from rape, unlawful intercourse or incest. (The exact conditions are listed below.)

If you are denied Medi-Cal coverage for an abortion that you think should be covered under this law, you have the right to appeal the denial by requesting a hearing. Should you request a hearing, Medi-Cal cannot pay for the abortion until after the hearing, and then only if the decision is in your favor. To request a hearing write to the Office of the Chief Referee, 744 P Street, Sacramento, CA 95814 or call 800-952-5253 (toll free) within one year of the denial.

**ABORTIONS FUNDED BY MEDI-CAL AFTER AUGUST 15, 1979**

\*Where pregnancy endangers the woman's life. \*When the pregnancy is ectopic. \*Where two doctors have certified that the woman would suffer severe and long lasting physical harm if the pregnancy were not terminated. \*Where certain medical tests show the child would have a major or severe genetic or congenital abnormality. \*Through the third month of pregnancies resulting from forcible rape which was reported within 60 days to police or public health agency which reported it to police. \*Through the third month of pregnancies resulting from unlawful intercourse, where the woman is under 18 and her parent or guardian is notified five days before the abortion. \*Through the sixth month of pregnancies resulting from incest reported to police or public health agency which reported it to police.

This does not limit your right to have an abortion, it only limits the abortions that can be paid for by Medi-Cal.

Department of Health Services

**NOTICIA DE ACCIÓN DE MEDI-CAL - REDUCCIÓN DE BENEFICIOS**

Los consumidores de Medi-Cal son por lo presente informados que efectivo Agosto 16, 1979, los abortos que Medi-Cal pueda pagar serán reducidos notablemente bajo la nueva ley del Estado. Básicamente, después de Agosto 15, Medi-Cal proveerá fondos solamente a aquellos abortos que terminarán embarazos que sean ectópicos, poniendo en peligro la vida o la salud de la mujer, o probablemente resulte en el nacimiento de un niño anormal o que resulte de violación sexualmente, relaciones sexuales o incestos ilícitos. (Las condiciones exactas están listadas abajo.)

Si a usted le es negada la cobertura de Medi-Cal por un aborto que usted piense debe ser cubierto bajo esta ley, usted tiene el derecho de apelar la negación solicitando una audiencia. Si usted solicita una audiencia, Medi-Cal no podrá pagar por el aborto hasta después de la audiencia, y entonces solamente si la decisión esta en su favor. Para solicitar una audiencia escriba a la Oficina del Jefe de Arbitrios (Office of Chief Referee) 744 P Street, Sacramento, CA 95814 o llame al número gratuito 800-952-5253 dentro de un año de la negación.

**ABORTOS PROVEÍDOS POR MEDI-CAL DESPUÉS DE AGOSTO 15, 1979**

\*Donde el embarazo pone en peligro la vida de la mujer. \*Donde el embarazo sea ectópico. \*Donde dos médicos hayan certificado que la mujer sufrirá severo peligro físico si el embarazo no fuera terminado. \*Donde ciertos exámenes médicos demuestran que el niño tendría una anomalía grave genética severa, o congénita. \*Durante el tercer mes del embarazo resultando de violación forzada la cual fue reportada dentro de 60 días a la policía o a la agencia de salud pública la cual reporto a la policía. \*Durante el tercer mes del embarazo resultando de relaciones sexuales ilícitas, donde la mujer esta bajo 18 años y sus padres o guardián sean notificados cinco días antes del aborto. \*Durante el sexto mes del embarazo resultando de incestos relacionados a la policía o a la agencia de salud pública la cual reporto a la policía.

Esto no limita su derecho a tener un aborto, solo limita los abortos que puedan ser pagados por Medi-Cal.

Departamento de Salud de Servicios