

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
P.O. BOX 942732
SACRAMENTO, CA 94234-7320



September 1, 1989

Letter No.: 89-72

TO: All County Welfare Directors
All County Administrative Officers

SUBJECT: CLARK V. KIZER LAWSUIT

The Department of Health Services (DHS) recently agreed to a proposed settlement in the Clark v. Kizer lawsuit. The suit alleged that DHS was in violation of federal law by not ensuring that women on Medi-Cal have adequate access to maternity care. The goal of the settlement is to improve the availability of maternity care to women on Medi-Cal by encouraging more doctors to participate in the Medi-Cal program.

The terms DHS agreed to in the settlement include:

1. Increasing the fees paid to doctors for maternity care.
2. Making changes to speed up the processing of doctor's claims for maternity care.
3. Implementing timetables for processing 90% of doctor's claims for maternity services within 25 days of receipt.
4. Furnishing annual reports regarding the availability of doctors that provide maternity care and any resulting changes in how women receive maternity care.
5. The lawsuit does not ask for money or direct benefits to any women on Medi-Cal, and no woman on Medi-Cal will receive money or any other direct benefits as a result of this lawsuit.

DHS agreed to notify all Medi-Cal beneficiaries of the proposed settlement by including a printed notice (stuffer) with the September 1989 Medi-Cal cards. In addition, the Department agreed to have posters (both English and Spanish) outlining the terms of the proposed settlement displayed in local offices regularly frequented by Medi-Cal recipients. Specifically, the display locations include county welfare departments and Medi-Cal offices, Women, Infants and Children (WIC) Agencies, and community clinics. The posters include an address where beneficiaries may write if they disagree with the settlement, and telephone numbers of legal centers they may call to get more information about the settlement.

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The only action required by county welfare departments is to make sure that the posters are displayed in all Medi-Cal and welfare offices. A supply of posters (posters are 8 1/2" x 14") will be sent to the Medi-Cal liaison within each county by September 1, 1989. They should be posted upon receipt, but no later than September 11, 1989. Counties may remove the posters after November 3, 1989. We have planned to send an adequate supply to each county; however, if you need additional copies, please contact Craig Yagi of my staff at (916) 322-8702 or ATSS 492-8702.

A copy of both the stuffer and poster are included with this letter for your information. Please contact Shirley Deasy of my staff for any questions other than the supply of posters. She can be reached at (916) 445-1969 or ATSS 485-1969.

Sincerely,

Original signed by

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Enclosures

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

Expiration Date: September 1, 1990

WOMEN ON MEDI-CAL

If you are pregnant or will be pregnant in the future, your right to get proper maternity care will be affected by the settlement of a lawsuit named Virginia Clark, et al. v. Kenneth Kizer, et al. This lawsuit claims the State must get more private doctors to provide maternity care to women on Medi-Cal.

To do this, the proposed settlement will continue the recent increases that doctors are paid for office visits and delivering babies. The settlement will also speed up the Medi-Cal payments of doctors' fees.

If you agree with the settlement, you do not have to do anything. If you do not agree with the settlement, you must write a letter to the Clerk, U.S. District Court at 650 Capitol Mall, Sacramento, CA 95814, no later than October 13, 1989. If you do not write in time the Court will make the settlement final and you may not appeal it.

For more information about the settlement, you should read the posters in your local welfare office, Medi-Cal office, Women, Infants and Children (WIC) office, or community clinics.

MUJERES EN MEDI-CAL

Si Ud. está embarazada o saldrá embarazada en el futuro, su derecho a obtener el apropiado cuidado durante el embarazo será afectado por el convenio en el juicio llamado Virginia Clark, et al. v. Kenneth Kizer, et al. Este juicio demanda que el Estado debe tener más médicos particulares para dar atención durante el embarazo a las mujeres en Medi-Cal.

Al hacer esto, el convenio propuesto continuará los recientes aumentos que se les paga a los médicos por visitas en los consultorios y atención durante el parto. El convenio también acelerará los pagos de Medi-Cal por los honorarios médicos.

Si Ud. está de acuerdo con este convenio, no tiene que hacer nada. Si no está de acuerdo con él, Ud. debe escribir una carta al Clerk, U.S. District Court, 650 Capitol Mall, Sacramento, CA 95814, no más tarde del 13 de octubre de 1989. Si Ud. no escribe a tiempo, la Corte hará la decisión final y Ud. no podrá apelar.

Para más información acerca del convenio, Ud. debe leer los avisos en su oficina local de bienestar; en la oficina de Medi-Cal; en la oficina de Women, Infants and Children (WIC); y en las clínicas para la comunidad.

NOTICE

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

VIRGINIA CLARK, et al.,	)	CIVIL NO. S-87-1700 LKK
	)	
Plaintiffs.	)	NOTICE OF PROPOSED
	)	PARTIAL SETTLEMENT
-vs-	)	OF CLASS ACTION
KENNETH KIZER, et al.	)	
	)	
Defendants.	)	
	)	
	)	

TO WOMEN ON MEDI-CAL

If you are now pregnant or expect to be pregnant in the future, you are members of two of four subclasses in this lawsuit. The lawsuit alleges in part that the California Department of Health Services (Department) has violated federal laws and regulations, by not ensuring that women on Medi-Cal have adequate access to maternity care.

Counsel for the named plaintiffs and the Department have reached a settlement of all claims in the lawsuit regarding maternity care. The goal of the settlement is to improve the availability of maternity care to women on Medi-Cal by encouraging more doctors to participate in the Medi-Cal program. The terms of the settlement include, but are not limited to, the following:

1. Subject to problems with the State's Medi-Cal budget, the Department shall continue to pay doctors the higher rates for maternity care which went into effect on January 1, 1989. These higher rates include \$111.52 for an initial visit and \$899.76 for all other maternity care, including a vaginal delivery.
2. The Department shall make a number of changes to speed up the processing of doctors' claims for reimbursement for maternity care to Medi-Cal recipients.
3. The Department has agreed to timetables for the processing of doctors' claims for reimbursement. These timetables include that 90% of doctors' claims for most maternity care services shall be paid or finally denied within 25 days of receipt thereof.
4. The Department shall furnish detailed annual reports to the Court and plaintiffs' counsel regarding both the availability of doctors that provide maternity care to Medi-Cal recipients and any resulting changes in how women on Medi-Cal receive maternity care.
5. This lawsuit does not ask for money or other direct benefits to any woman on Medi-Cal, and no woman on Medi-Cal will receive any money or other direct benefit from the settlement of this lawsuit.

The full terms of the settlement are on file with the Clerk of the Court, United States Courthouse, 650 Capitol Mall, Sacramento, California 95814.

A hearing will be held on November 2, 1989 at 2:00 p.m. in Courtroom 1 of the United States District Court, United States Courthouse, 650 Capitol Mall, Sacramento, California, at which time the Court will decide whether to approve this partial final settlement.

If you agree with the settlement, you need do nothing. If you disagree with the settlement, you must write to the Clerk of the Court, 650 Capitol Mall, Sacramento, California 95814, giving the case name, case number and your reasons for objecting to the proposed settlement. Your letter must be postmarked no later than October 13, 1989. If you send such a letter, you or an attorney acting on your behalf may appear at the hearing and present any evidence or argument relevant to the fairness of the settlement.

Any member of the two subclasses who does not make and serve her written objections in the manner provided above shall be deemed to have waived such objections and shall forever be foreclosed from making an objection (by appeal or otherwise) to the proposed settlement.

For more information about the proposed settlement, you may contact any of the following attorneys for the plaintiffs: Legal Services of Northern California, (916) 444-6760; California Rural Legal Assistance, (805) 544-7994; Western Center on Law and Poverty, (213) 487-7211; National Health Law Program, (213) 204-6010; Legal Aid Society of Orange County, (714) 835-8806.

AVISO
UNITED STATES DISTRICT COURT
(CORTE DE DISTRITO DE LOS ESTADOS UNIDOS)
EASTERN DISTRICT OF CALIFORNIA
(DISTRITO DEL ESTE DE CALIFORNIA)

VIRGINIA CLARK, et al.,	)	CIVIL NO. S-87-1700 LKK
	)	
Demandantes,	)	NOTIFICACION DE PROPUESTA
	)	DE CONVENIO PARCIAL DE
-contra-	)	DEMANDA COLECTIVA
KENNETH KIZER, et al.	)	
	)	
Demandados.	)	
	)	
	)	

— A LAS MUJERES QUE RECIBEN MEDI-CAL

Si está embarazada en la actualidad o piensa estar embarazada en el futuro, usted es miembro de dos de cuatro subclases en esta demanda. La demanda alega en parte que el Departamento de Servicios de Salud del Estado de California (de aquí en adelante el Departamento), ha violado leyes y reglamentos federales, al no asegurar que las mujeres que reciben Medi-Cal reciban cuidado prenatal adecuado.

Los abogados de los demandantes mencionados y del Departamento, han llegado a un convenio de todas las reclamaciones en la demanda con referencia a cuidado prenatal. La meta del convenio es el mejorar la disponibilidad de cuidado prenatal para las mujeres que reciben Medi-Cal al animar a más doctores a que participen en el programa de Medi-Cal. Los términos del convenio incluyen, pero no se limitan a lo siguiente:

1. Con sujeción a problemas con el presupuesto del Estado sobre Medi-Cal, el Departamento continuará pagando a los doctores las tarifas de maternidad más altas que entraron en vigor el 1 de enero de 1989. Estas tarifas más altas incluyen \$111.52 por una visita inicial y \$899.76 para cualquier otro cuidado prenatal, incluyendo un parto vaginal.
2. El Departamento realizará varios cambios para acelerar la tramitación de los reclamos de reembolso de los doctores, por concepto de cuidado prenatal a personas que reciben Medi-Cal.
3. El Departamento ha convenido en aceptar fechas límite para que se lleve a cabo la tramitación de reclamos de reembolso hechos por los doctores. Estas fechas límite incluyen la condición de que el 90% de los reclamos de los doctores con respecto a la mayoría de los servicios de cuidado prenatal, deberán ser pagados o negados definitivamente en un plazo de 25 días después de recibidos.
4. El Departamento proporcionará a la corte y a los abogados de los demandantes, reportes anuales detallados sobre, tanto la disponibilidad de doctores que proporcionan cuidado prenatal a personas que reciben Medi-Cal como cualesquier cambios que resulten en la manera en que las mujeres que reciben Medi-Cal, reciben cuidado prenatal.
5. Esta demanda no solicita dinero ni otros beneficios directos para las mujeres que reciben Medi-Cal, y ninguna mujer recibirá dinero u otros beneficios directos provenientes del convenio relativo a esta demanda.

Las condiciones del convenio, se encuentran archivadas en su totalidad con el Secretario de la Corte de los Estados Unidos en 650 Capitol Mall, Sacramento, California 95814.

Se llevará a cabo una audiencia el 2 de noviembre de 1989, a las 2 p.m., en la sala 1 de la Corte de Distrito de los Estados Unidos, en 650 Capitol Mall, Sacramento, California, hora en la cual, la corte decidirá si deberá aprobar este convenio final parcial.

Si usted está de acuerdo con el convenio, no necesita hacer nada. Si no está de acuerdo con el convenio, debe escribir a "Clerk of the Court, 650 Capitol Mall, Sacramento, California 95814," dando el nombre y número del caso, y sus razones para objetar el convenio que se propone. Su carta debe tener el matasello del correo con fecha a más tardar del 13 de octubre de 1989. Si envía dicha carta, usted o un abogado que actúe a nombre suyo, puede comparecer en la audiencia y presentar cualquier evidencia o argumento relacionados a la solución justa del convenio.

Cuando cualquier miembro de las dos subclases no presente sus objeciones por escrito en la manera en que se explica con anterioridad, se interpretará que renunció a dichas objeciones y no se le permitirá nunca más presentar esas objeciones al convenio que se propone (en una apelación, o de cualquier otra manera).

Para más información acerca del convenio que se propone, puede ponerse en contacto con los siguientes abogados de los demandantes: Legal Services of Northern California, (916) 444-6760; California Rural Legal Assistance, (805) 544-7994; Western Center on Law and Poverty, (213) 487-7211; National Health Law Program, (213) 204-6010; Legal Aid Society of Orange County, (714) 835-8806.