



January 24, 2014

Department of Health Care Services
Delivered via email to info@calduals.org
CC: Jane Ogle, Margaret Tatar

We appreciate the opportunity to comment on the Cal MediConnect 45-day voluntary enrollment notice for Los Angeles County. The three-month voluntary enrollment period allows dual eligibles a period of time to review Cal MediConnect prior to passive enrollment and facing automatic enrollment if no action is taken. The voluntary enrollment period provides an important consumer protection and the notice should aim to introduce this new choice and direct consumers to obtain more information about the program. We have outlined general comments here and provided red-line edits to the draft copy to effectuate this goal.

Heading

The heading “Important Information” is too generic and vague to direct the consumer’s attention to the letter. Instead, DHCS should use a heading that describes the content of the notice. For example, “Important Information for Persons who have Medicare and Medi-Cal: New Program Available to You on April 1, 2014.”

Description of Cal MediConnect

In a notice sent on a one-time basis it is imperative that the notice describe the Cal MediConnect program succinctly and clearly. As written, the notice does not provide an accurate description of the program. For example, right now the notice indicates that the individual will provide additional dental benefits. This is not the case. The notice fails to explain that a consumer can only see providers within the Cal MediConnect plan’s network. It also does not provide a clear description of the care coordination benefit. We have provided red-lined edits on the notice to address these issues. We are concerned that, as written, the notice will confuse consumers about their options.

Most importantly, the notice should direct the consumer to obtain more information about Cal MediConnect. The decision to enroll in a Cal MediConnect plan should only take place after reviewing the program, the providers available in each plan, and the benefits offered by each plan. Accordingly, instead of a discussion of enrollment and enrollment choices, the notice should direct the consumer to obtain more information about the program from Health Care Options by requesting an enrollment packet. It is therefore imperative that Health Care Options be able to send these enrollment packets tailored to Los Angeles County residents. Again, we urge DHCS to release all enrollment materials in advance, in particular HICAPS, to ensure that the community is prepared to provide counsel.

Enrollment Choices

This is a notice about voluntary enrollment into Cal MediConnect. The inclusion of PACE complicates the notice. PACE is not a new option and the availability of PACE is limited. The MOU only requires a voluntary enrollment period for Cal MediConnect. For the purpose of this notice, only Cal MediConnect should be described.

Likewise, the option to “do nothing” complicates the notice and fails to accurately convey what choices an individual will face in the coming months. The notice should explain that Cal MediConnect is available starting April 1, 2014. The notice should then explain that starting in July, notices will be going out that will require that the consumer make a choice regarding their health care and that they should be watching their mail for these important changes.

Readability, Comprehension, and Accessible Formats

We seek assurances that this notice has been written at a sixth grade level pursuant to Senate Bill 1008. Again, we ask for confirmation that these notices have undergone beneficiary testing and that testing included beneficiaries with limited English proficiency, who are blind and visually impaired, who are deaf, and who have cognitive impairments.

We urge DHCS to insert a tagline on the notices or include an insert with the notice in the Medi-Cal threshold languages informing LEP beneficiaries how to obtain information in their primary language.

Finally, pursuant to Title II of the ADA, DHCS has the obligation to ensure effective communication to individuals with disabilities and to offer auxiliary aids and services. The notices should, in addition to those listed, include the availability of reader, accessible electronic formats. Also, TTY is infrequently used. The State is required to provide other options, such as video-remote interpreting. See 28 CFR § 35.104. This section of the notice should be written in 18-pt bold font to increase the likelihood that individuals with visual impairments can read this section.

Thank you for the opportunity to review this notice prior to its finalization.

Sincerely,

Center for Health Care Rights
Disability Rights California
Disability Rights Defense and Education Fund
National Health Law Program
National Senior Citizens Law Center
Western Center on Law and Poverty