



Lessons from California: Ensuring Due Process in Medi-Cal Renewals & Applications

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THE ISSUE:

California's counties were terminating Medi-Cal coverage for beneficiaries, who failed to respond timely to the annual redetermination, without complying with legally required procedural protections. Specifically, the notices of action terminating benefits failed to include what information the county was missing for the beneficiary and did not adequately explain the beneficiary's right to reinstate their benefits throughout the "90-day cure period." State and federal law provides Medi-Cal beneficiaries with an opportunity to reinstate their benefits back to the date of termination if the beneficiary submits the missing information within 90 days of the termination date. [California policy](#) also requires that the notices of action must specifically list all missing information.

STRATEGY AND ACTIONS:

A number of California advocacy groups brought a [lawsuit](#) challenging the terminations based on illegal notices and the State's failure to translate the redetermination forms into required threshold languages. On June 23, the Superior Court granted a [preliminary injunction](#) in the case (*Korean Community Center of the East Bay vs. Kent*), ordering the state Medicaid agency (Department of Health Care Services or "DHCS") to halt terminations and not require beneficiaries to respond to annual renewal forms until the Department issues notices of action that (a) contain explicit language about the 90-day cure period, and (b) detail what information the beneficiary failed to provide. In response to the preliminary injunction, [DHCS instructed counties to stop terminations](#) for Medi-Cal beneficiaries beginning July 2015 until the counties can implement the corrected notices of action. NHeLP and other advocates have worked directly with DHCS on proposed notice language to ensure they are both legally effective and understandable and have used the *KCCEB* decision to convince the state to include the specific missing information in [the notices regarding denials of new applications](#) as well. Advocates in other states might rely on this case to address similar deficiencies in their notices.

ADDITIONAL RESOURCES

- [Ask Emily's article on Medi-Cal renewals](#)
- [Covered California's summary of Medi-Cal renewals](#)