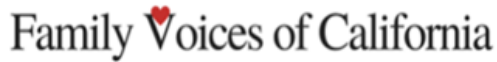




Know Your Appeal Rights

For the California Children's Services Program

*Funded by a grant from the Lucile Packard Foundation
for Children's Health, Palo Alto, California*



The CCS Program can be confusing. We hope the steps below help you with any issues you may have. If your child has delays, denials, reductions, discontinuances or other changes to their CCS benefits, you can appeal. **These steps apply to CCS children, including those with Medi-Cal.** However, CCS children with Medi-Cal have additional appeal rights.

Overview

The steps to appeal depend on whether your child gets CCS through a Medi-Cal health plan or through a county CCS office/Children's Medical Services. You can find more information about your county at: <https://www.dhcs.ca.gov/services/ccs/Pages/CountyOffices.aspx>

CCS Provider Decision: You cannot appeal if your child's CCS physician decides that their treatment should end or change. When this happens, CCS must provide you with an independent evaluation at no cost to you. They must send you a list of three expert physicians to choose from to evaluate your child. The expert's decision is final.

Step 1: Right to Written Notice

A proper notice must be in writing, give a reason for the action being taken, the date the action will start, include the rule or law they relied on, and information about your right to appeal.

Notices for CCS Eligibility & Enrollment

CCS must send written notice within 7 days when:

- A CSS application is denied.
- A child is discontinued from the CCS program. **CCS children on Medi-Cal** must get notice 10 days before they are discontinued.

Notices for CCS Services

CCS must send written notice within 7 days (10 days' notice if on Medi-Cal) when CCS:

- Denies a request for new CCS services or supplies.
- Denies, changes, or reduces already approved CCS services or supplies.
- Denies a request for a CCS benefit not currently provided.

After CCS sends a notice, read the next section to see which steps apply to your child. You should get notices at each step to inform you of CSS' decisions and your rights.

Step 2: Right to Appeals

Appeal Rights for All CCS Children: CCS children with or without Medi-Cal have the right to file a **CCS First Level Appeal** if you disagree with a notice related to your child's eligibility or services. This is a separate process from the Medi-Cal appeal process below. CCS children are **not** required to do a CCS First

Level Appeal before requesting a State Fair Hearing. However, make sure the request is in writing and includes: the reason you want to appeal, information that supports your reason, and what result you want. Request the appeal within 30 days of the notice. CCS must send you a decision within 21 days.

Medi-Cal Appeal Rights: CCS children with Medi-Cal have the right to go through the Medi-Cal appeal process in addition to or instead of the CCS First Level Appeal. Medi-Cal appeal rights depend on how your child gets Medi-Cal services: through a Medi-Cal health plan or Fee-For-Service (“Regular Medi-Cal”).

- **Regular Medi-Cal** children can file a First Level Appeal or request a State Fair Hearing.
- **Medi-Cal Health Plan:** Children with a Medi-Cal health plan can file an **appeal** with the health plan if you disagree with CCS’ decision concerning your child’s CCS services. You can file a **health plan appeal** by telephone, online, U.S. mail, or in-person. You must file an appeal within 60 days of the notice date. Ask for an **expedited plan appeal** if your child’s life or health are at risk. The plan must send you their decision within 72 hours. You must file an appeal before asking for a hearing.

Step 3: Right to State Fair Hearing

CCS children with and without Medi-Cal have the right to a State Fair Hearing if you disagree with the decision by CCS or by Medi-Cal. To file a fair hearing request, contact the California Department of Social Services online, by telephone, U.S. mail, or fax. Generally, the deadline is 90 days but all CCS children can ask for a hearing within 120 days through 2024.

- Hearings are available by video, telephone, and in person.
- You have the right to a free copy of appeal documents to help you prepare. Appeal documents may include county or health plan documents related to your child’s CCS eligibility or treatment and more.
- CDSS must send you a notice with a hearing date and time at least 30 days before the hearing.

For CCS children with Medi-Cal: CCS children with **Regular Medi-Cal** must request a hearing within 90 days from the date a notice was mailed. CCS Children with a **Medi-Cal Health Plan** must request a hearing within 120 days from the date a notice was mailed.

Continuing CCS Benefits During Appeal

Whether your CCS child has Medi-Cal or CCS-only, they have the right to continue previously approved CCS benefits during a CCS First Level Appeal, health plan appeal or State Fair Hearing (also known as “Aid Paid Pending”). You are entitled to continuing benefits or Aid Paid Pending, if you ask for a CCS First Level Appeal, a health plan appeal or State Fair Hearing within 10 days of the written notice or before the start date of the action. The hearing office is not required to grant late requests for Aid Paid Pending after the 10 days.

You have the right to an **interpreter** at the hearing in your primary language at no cost to you. Ask for an interpreter when you ask for a hearing or prior to the hearing date.

After the hearing, the **hearing decision** must be mailed to you within 90 days from the date you asked for a hearing.

Resources & Legal Help

Health Consumer Alliance: For free legal help, call 888-804-3536/TTY 877-735-2929 or visit healthconsumer.org

Family Voices of California: For information and support call 415-282-7494 or visit familyvoicesofca.org