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DIRECTOR

State of California—Health and Human Services Agency
Department of Health Care Services



EDMUND G. BROWN JR.
GOVERNOR

August 14, 2018

The Honorable Anthony J. Portantino, Chair
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

Dear Senator Portantino:

ASSEMBLY BILL 2299 (AS AMENDED AUGUST 6, 2018) – OPPOSE

The Department of Health Care Services (DHCS) must inform you of its continued opposition to Assembly Bill (AB) 2299. AB 2299 would require DHCS to ensure that all written health education and informing materials, both those in English and those translated into threshold languages by managed care plans, are at or below the equivalent of sixth grade reading level. The bill would also require DHCS to require managed care plans to conduct, by January 1, 2020, a one-time, targeted community review of health education and informing materials in English and each threshold language, in order for members to ensure the cultural and linguistic appropriateness of materials in community-based settings. Managed care plans would be required to adopt additional readability and suitability standards developed by the community-review process by July 1, 2020.

DHCS recognizes the importance of developing materials that inform beneficiaries about their health choices in such a way that those with low health and reading literacy are able to understand them, and has an number of existing efforts in place that align with this bill's intent. However, AB 2299 would be extremely costly, even though AB 2299 was recently amended to attempt to limit the impact of the bill on the department. While AB 2299 now exempts any materials translated by DHCS or that DHCS contracts to have translated, DHCS would still face a substantial fiscal impact in order to monitor the managed care plans compliance with the community review requirements, including their compliance with any additional readability and suitability standards that they are required to adopt pursuant to those reviews. This task would be made more complicated due to the number of plans, the number of languages, and the number of documents that would need to be reviewed. As such, DHCS estimates that AB 2299 would cost the General Fund over \$2 million initially, and approximately \$500,000 annually thereafter.

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Though DHCS is supportive of the intent of AB 2299, given existing efforts and requirements, which include existing federal and state laws that require DHCS to take reasonable steps to provide meaningful access to individuals with limited English proficiency, it is not clear that AB 2299 is necessary.

For these reasons, DHCS opposes AB 2299.

If you have any questions, please contact me at 440-7500.

Sincerely,

o/s/by: CG

Carol Gallegos
Deputy Director

cc: The Honorable Kansen Chu
Senate Appropriations Committee, Members
Senate Republican Caucus
Senate Floor Analysis
Department of Finance
CHHS Legislative Unit
GO Deputy Legislative Secretary