

# Disability Rights California

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*California's protection and advocacy system*

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March 1, 2017

Department of Health Care Services  
Via email: [dhcsmcqmndnau@dhcs.ca.gov](mailto:dhcsmcqmndnau@dhcs.ca.gov)

Re: Medicaid Managed Care Final Rule Network Adequacy Proposal

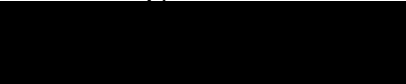
To Whom it May Concern:

Disability Rights California writes in support of the SCAN Foundation's letter of February 24, 2017, and Justice in Aging's letter of February 28, 2017, expressing concerns with the Department's Network Adequacy Proposal to comply with the Medicaid Managed Care Final Rule.

DRC is concerned by the Department's position that network adequacy standards are required only if the beneficiary is traveling to the provider, and that time and distance standards are not required for LTSS, including CBAS, MSSP, SNF, or Intermediate Care Facility (ICF) providers. As 42 C.F.R. §438.68 (b)(2) sets forth, states must develop standards "other than time and distance for LTSS provider types that travel to the enrollee to deliver services." Failing to apply network adequacy provisions to MSSP, CBAS, SNF, and ICF providers does not comport with the regulations.

In addition, DRC notes that the proposal does not acknowledge the need to provide services and information in accessible formats for people with blindness and visual impairments, people who are Deaf or Hard of Hearing, or have other disabilities. The Department must include consideration of the need to provide effective access and communication, in addition ensuring the access and cultural competency described by Justice in Aging.

Sincerely,



Elizabeth Zirker  
Managing Attorney