



MICHELLE BAASS
DIRECTOR

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



GAVIN NEWSOM
GOVERNOR

DATE: February 1, 2023 PPL No. 23-004

TO: Local Educational Agencies (LEAs), Local Educational Consortiums (LECs), and the Local Governmental Agencies (LGAs), participating in the Local Educational Agency Medi-Cal Billing Options Program (LEA BOP) and/or School-Based Medi-Cal Administrative Activities (SMAA) Program

SUBJECT: **NOTIFICATION THAT THE ALTERNATIVE FORMAT PLAN IS DUE AUGUST 1, 2023, 180 DAYS FROM THE RELEASE OF THIS POLICY AND PROCEDURE LETTER (PPL).**

PURPOSE: This PPL clarifies the due date for the Alternative Format plan implementation.

REFERENCE: Americans with Disabilities Act (42 U.S.C. § 12101, et. seq.) and section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 (d))

BACKGROUND:

Under federal and state law, including the Americans with Disabilities Act (42 U.S.C. § 12101, et. seq; 28 C.F.R. Part 35 et seq.) and section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 (d)), discrimination against qualified members of the public participating in public programs based on disability is prohibited. Federal law states that all organizations receiving federal funding must take steps to ensure that federal money is not used for a discriminatory purpose. Therefore, all public agencies providing Medi-Cal assistance in California must respect a consumer's rights and prohibit discrimination in the administration of Medi-Cal services (this includes the people and organizations determining Medi-Cal eligibility and Medi-Cal service providers).

PPL 21-017R describes the requirement in detail relative to the Department of Health Care Services (DHCS). All public agencies are required to provide auxiliary aids and services, free of charge, to ensure all qualified persons with speech, hearing, and/or vision disabilities can effectively communicate and participate in public programs, services, and/or activities. Public agencies must also provide auxiliary aids and services to a family member, friend, or associate of the program participant if said individual is

identified as the beneficiary's authorized representative, or it is someone with whom it is appropriate to communicate (e.g., a disabled parent of a beneficiary). The type of auxiliary aid or service necessary requires the consideration of numerous factors, including:

- The method of communication used by the person with a disability.
- The nature, length, and difficulty of the communication taking place.
- The complexity of what is being communicated.

When providing aids or services, primary consideration should be given to the requester's choice, unless the LEA, LEC, LGA, or subcontractor can demonstrate that another equally effective means of communication is available or that use of the requester's choice would result in a fundamental alteration of the information or an undue burden for the agency. These auxiliary aids and services include providing communications in at least the following alternative formats:

- Braille
- Large print (20-point Arial Font)
- Audio format
- Accessible electronic format (such as a data CD)
- Closed Captioning
- Text-to-Speech
- Voice-to-Text

POLICY:

In accordance with the terms and conditions of the Provider Participation Agreement and Addendum thereto, LECs, LGAs and LEAs must develop a plan to meet these alternative format requirements by August 1, 2023, which is 180 days from the release of this PPL. LEAs, LECs, and LGAs must store and maintain the plan within their audit file for oversight. DHCS reserves the right to request a copy of the plan at any time after August 1, 2023.

If you have any questions, please use the information below to contact a specific program:

LEA BOP: LEA@dhcs.ca.gov
SMAA: SMAA@dhcs.ca.gov

Sincerely,

ORIGINAL SIGNED BY BRIAN FITZGERALD

Brian Fitzgerald, Chief

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Local Governmental Financing Division
Department of Health Care Services