

SUPPLEMENTAL STATEMENT OF REASONS

In addition to the changes made to the proposed regulations in response to public comments pertaining to the use of certified sign language interpreters only, the Department has prepared this supplemental statement of reasons to describe changes proposed under Section 51098.5 that are related to public comment.

Section 51098.5

In response to a public comment that proposed the inclusion of the following phrase: “(c) a deaf or hearing impaired individual who receives services or training as part of the medically necessary medical or remedial services provided to the Medi-Cal beneficiary,” amendments are proposed to Section 51098.5. A new subsection (c) is proposed that would support the context of the comment as presented and the recommendation to expand the type of persons between which sign language interpreter services may be utilized, but the language as proposed to be adopted would contain some modifications from that suggested through the comment. The language as proposed including such modifications would read as follows: “(c) a deaf or hearing impaired adult who receives services or training on behalf of the Medi-Cal beneficiary and the Medi-Cal enrolled provider when necessary to provide medically necessary health care services to the beneficiary.” This language provides sentence structure that is similar to that under (a) and (b) regarding who the communication is “between” and specifically includes the phrase “Medical enrolled provider.” This proposal would also offer consistent language structure under this section and throughout the regulations. Specifically, the phrase “medically necessary health care services” would replace “medically necessary medical or remedial services,” which was suggested through the comment and the term “adult” would replace “individual,” which was suggested through the comment. Provisions set forth at Civil Code, Section 54.1 and Title 28, CFR, Section 36.303 specify that individuals with disabilities are entitled to full and equal access to accommodations and to effective communication between a public accommodation (a provider) and an individual with a disability, respectively. To correspond with and to facilitate these mandates the term “adult” is proposed to ensure that the recipient of the communication, in this circumstance, is at the age of legal majority and is considered to have the level of maturity necessary to comprehend and receive services or training through interpretation that is necessary to provide medically necessary health care services to a beneficiary.