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DIRECTOR

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



GAVIN NEWSOM  
GOVERNOR

**DATE:** July 28, 2022

**TO:** ALL MEDI-CAL DENTAL MANAGED CARE PLANS

**SUBJECT: APL 22-008: GUIDANCE REGARDING AB 1184**

**PURPOSE:**

The purpose of this Dental All Plan Letter (APL) is for the Department of Health Care Services (DHCS) to provide Medi-Cal Dental Managed Care (DMC) plans with guidance regarding Assembly Bill (AB) 1184 (Chiu, Ch. 190, Stats. 2021), which is effective July 1, 2022. This APL sets forth DHCS's guidance regarding how DMC plans (plans) shall comply with AB 1184.

**BACKGROUND:**

AB 1184 amended the Confidentiality of Medical Information Act<sup>1</sup> to require plans to take specified steps to protect the confidentiality of a subscriber's or enrollee's medical information.<sup>2</sup> These steps include:

- Permitting and accommodating requests from subscribers or enrollees for confidential communication in the form and format requested, if readily producible in the requested form and format, or at alternative locations.
- Implementing confidential communications requests within 7 calendar days of receipt of an electronic or telephonic request or within 14 calendar days of receipt by first-class mail. In addition, acknowledging receipt of confidential communications requests and advising the subscribers or enrollees of the status of implementation of the requests if the subscribers or enrollees contact the plan.
- Not conditioning enrollment or coverage on the waiver of the confidentiality rights provided in Civil Code section 56.107.
- Notifying subscribers and enrollees that they may request a confidential communication, how to make the request, and providing this information to subscribers and enrollees at initial enrollment and annually thereafter on renewal as follows:

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<sup>1</sup> Civil Code section 56 et seq.

<sup>2</sup> "Medical information," as defined in Civil Code section 56.05, subdivision (i).

- In a conspicuously visible location in the Member Handbook.
- On the plan's internet website, accessible through a hyperlink on the internet website's home page in a manner allowing subscribers, enrollees, prospective subscribers, prospective enrollees, and members of the public to easily locate the information.

**REQUIREMENTS:**

If the requirements contained in this APL, including any updates or revisions to this APL, necessitate a change in the DMC Plan's policies and procedures (P&Ps), the DMC Plan must submit its update P&Ps in track changes to [dmcdeliverables@dhcs.ca.gov](mailto:dmcdeliverables@dhcs.ca.gov) within 90 days of the release of this APL. If the DMC Plan determines that no changes to its P&P's are necessary, the DMC Plan must submit an email attestation to [dmcdeliverables@dhcs.ca.gov](mailto:dmcdeliverables@dhcs.ca.gov) within 10 days of the release of this APL, stating that the DMC Plan's P&Ps have been reviewed and no changes are necessary. The email confirmation must include the title of this APL, as well as the applicable APL release date in the subject line.

Within 30 days the plan must provide an updated Member Handbook providing details on how a member may request a confidential communication. DMC plans must also provide proof that this information has been added to the plan's internet website.

If you have questions regarding timelines for filing or other questions about the requirements of this APL, please send them to: [dmcdeliverables@dhcs.ca.gov](mailto:dmcdeliverables@dhcs.ca.gov).

Sincerely,

*Original signed by Carolyn Brookins:*

Adrianna Alcalá-Beshara, JD, MBA  
Chief, Medi-Cal Dental Services Division  
Department of Health Care Services