



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



GAVIN NEWSOM
GOVERNOR

DATE: December 21, 2022
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Supersedes NL: 01-0322
Index: Program Administration

TO: All County California Children's Services Program Administrators,
Medical Consultants, and Integrated Systems of Care Division Staff

SUBJECT: ALTERNATIVE FORMAT SELECTION FOR CALIFORNIA CHILDREN'S
SERVICES BENEFICIARIES WITH VISUAL IMPAIRMENTS

I. PURPOSE

The purpose of this Numbered Letter is to provide updated information about the Department of Health Care Services (DHCS) processes to ensure effective communication with beneficiaries with disabilities, including visual impairments or other disabilities requiring the provision of written materials in alternative formats, by tracking beneficiaries' alternative format selections. This Numbered Letter supersedes Numbered Letter 01-0322.

II. BACKGROUND

The Americans with Disabilities Act (ADA) requires that services, programs, and activities provided by public entities must be accessible to individuals with disabilities, including visual impairment. (See 42 U.S.C. 12131 et seq).¹ California Children's Services Program (CCS) counties are subject to the standards of Title II of the ADA, including standards for communicating effectively with individuals with disabilities to ensure they benefit equally from government programs.²

III. POLICY

A. Provision of Beneficiary Information in Alternative Format

CCS counties must provide appropriate auxiliary aids and services to individuals with disabilities.³ In determining what types of auxiliary aids and services to provide, CCS counties must give "primary consideration" to the individual's request for a particular auxiliary aid or service.⁴ CCS counties must provide auxiliary aids and services to a family member, friend, or associate of a CCS beneficiary if required by the ADA, including if said individual is identified as the

beneficiary's authorized representative (AR), or is someone with whom it is appropriate for the CCS county to communicate (i.e., caretaker of a beneficiary).⁵ CCS counties must accommodate the communication needs of all qualified individuals with disabilities, including ARs, and be prepared to facilitate alternative format requests for Braille, audio format, large print (no less than 20 point Arial font), and accessible electronic format, such as a data CD, as well as requests for other auxiliary aids and services that may be appropriate.⁶

CCS counties must provide appropriate auxiliary aids and services to beneficiaries with disabilities, including alternative format, upon request. Additionally, CCS counties must inform beneficiaries who state that they have difficulty reading print communications of their right to receive auxiliary aids and services, including alternative format.

If a beneficiary selects an electronic format, such as an audio or data CD, the information may be provided unencrypted (i.e., not password protected), but only with the beneficiary's informed consent. CCS counties must inform a beneficiary who contacts the CCS county regarding an electronic alternative format, that unless the beneficiary requests a password protected format, the beneficiary will receive notices and information in an electronic format that is not password protected, which may make the information more vulnerable to loss or misuse. CCS counties must make clear that beneficiaries may request an encrypted (i.e., password protected) electronic format. If the beneficiary requests notices and information in a password protected electronic format, the CCS county must provide a password protected electronic format with unencrypted instructions on how the beneficiary is to access the encrypted information.

B. Processes for Collecting and Sharing Alternative Format Selection Data

DHCS utilizes its Alternate Format database to populate the Children's Medical Services (CMSNet) case management system with CCS beneficiaries' alternative format selections. The Alternative Format database receives CCS beneficiary alternative format preferences from the CCS beneficiary or their family. DHCS updates the CMSNet system weekly with CCS beneficiaries' alternative format selections.

The standard alternative format options are large print, audio CD, data CD, and Braille. Below are descriptions of each format:

- Large print: Large (20-point) size Arial font.
- Audio CD: Provides the ability to hear notices and information. Files in the CD are not encrypted.
- Data CD: This allows for the use of computer software to read notices and other written information. Files in the CD are not encrypted.
- Braille: Uses raised dots that can be read with fingers.

There are also non-standard alternative formats available by request, including but not limited to:

- Encrypted Audio CD: Provides the ability to hear notices and information. Files for Medi-Cal notice in the CD are protected with a password.
- Encrypted Data CD: This allows for the use of computer software to read notices and other written information. Files for Medi-Cal notice in the CD are protected with a password.
- Print larger than 20-point font.
- Provision of tactile signing or a qualified reader.

An individual may request a non-standard alternative format. CCS counties must evaluate the request according to the applicable law.

Counties shall use CMSNet to identify individuals that have indicated their alternate format preference for receiving information. Counties may view a beneficiary's "Correspondence Alternative Format" on the beneficiary's Registration page under Client Information section. Counties shall provide all communications in the selected standard and non-standard alternative formats indicated by CMSNet. Counties shall provide all communications in regular print for the following selections:

- No alternative format needed
- I need a format not listed here. If a family requests another format such as a threshold language, the language should be added to the Registration Module in CMS Net and all correspondence shall be translated into the requested language. An "alert" should be created to flag the requested language.
- County support shall be provided when requested.

An individual who has questions or needs a format not listed here can call the Alternative Format Helpline 1-833-284-0040.

C. Due Process Requirements

Constitutional due process requires that a beneficiary's benefits must not be reduced or terminated without timely and adequate notice explaining the reasons for the proposed action and the opportunity for a hearing. (Goldberg v. Kelly (1970) 397 U.S. 254, 267–268). In the case of a beneficiary with a visual impairment or other disabilities requiring the provision of written materials in alternative formats, DHCS has determined that adequate notice means notice in the beneficiary's selected alternative format, or notice that is otherwise in compliance with the ADA, Section 504 of the Rehabilitation Act of 1973, and Government Code Section 11135. CCS counties may not deny, reduce, suspend, or terminate services or treatments without providing adequate notice within

applicable legal timeframes.⁷ CCS counties must calculate the deadline for a member with a visual impairment or other disability requiring the provision of written materials in alternative formats, to take action from the date of adequate notice in the alternative format requested by the beneficiary or their representative, including all deadlines for appeals and aid paid pending.

D. State Hearing Request Process

CCS beneficiaries may ask for a State hearing to have an Administrative Law Judge review a CCS decision. Beneficiaries must complete all of the following actions within 90 calendar days from the notice of action being mailed (or 14 days for beneficiaries not enrolled in Medi-Cal):⁸

- Send a written request for a State hearing to the following address:

California Department of Social Services
State Hearings Division
P.O. Box 944243, Mail Station 9-17-37
Sacramento, California 94244-2430; or

- Call the California Department of Social Services, State Hearings Division, at 1-800-743-8525 or for hearing or speech impaired use TDD 1-800-952-8349; or
- Request a State hearing online by going to <https://www.cdss.ca.gov/hearing-requests> and following the instructions to request a hearing, either with or without setting up an account. If the beneficiary does not provide a copy of the notice of action with their request for a State hearing, they must provide the following information with their request:
 - Beneficiary's name
 - Date of Birth
 - CCS Case Number
 - Address
 - Telephone number where the beneficiary can be reached

If you have any questions regarding this Numbered Letter, please contact the CCS Program by email to CCSProgram@dhcs.ca.gov.

Sincerely,

ORIGINAL SIGNED BY

Cortney Maslyn
Division Chief
Integrated Systems of Care Division

¹ United States Code is searchable at the following: <https://uscode.house.gov/>

² [45 Code of Federal Regulations \(CFR\) 92.102](#).

³ [45 CFR 92.102\(b\)](#).

⁴ [28 CFR 35.160\(b\)](#).

⁵ [28 CFR 35.160](#).

⁶ Examples of other auxiliary aids and services can be found at <https://www.ada.gov/effective-comm.htm>.

⁷ [42 CFR 431.211](#).

⁸ Due to the COVID-19 public health emergency, the Department of Social Services has extended the deadline to request a State Hearing to 210 days instead of 90 days until further notice. <https://www.cdss.ca.gov/hearing-requests>