



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



ARNOLD SCHWARZENEGGER  
Governor

May 27, 2008

CCS Numbered Letter 05-0608

TO: ALL COUNTY CALIFORNIA CHILDREN SERVICES (CCS)  
ADMINISTRATORS, MEDICAL DIRECTORS AND MEDICAL  
CONSULTANTS, AND STATE CHILDREN MEDICAL SERVICES  
(CMS) BRANCH STAFF

SUBJECT: RIGHT TO APPEAL DECISIONS OF THE CALIFORNIA CHILDREN'S  
SERVICES (CCS) PROGRAM

This Numbered Letter (N.L.) provides guidance to county CCS programs and CMS Regional Offices on the need to ensure that applicants/clients who disagree with a CCS denial decision are advised of their right to appeal the decision as required by CCS program regulations.

**Background:**

CCS program requirements for resolving complaints and appeals by CCS clients/applicants are contained in California Code of Regulations (CCR), Title 22, Chapter 13, Sections 42700 et seq. The CCS Administrative Procedures Manual, July 1, 2001 Revision, was developed following adoption of these regulations to provide CCS staff with guidance on consistent application of the regulations. While the manual is still to be followed, it does not adequately identify the circumstances in which a CCS applicant/client can appeal decisions made by CCS.

The manual currently states, the CCS applicant/client or applicants/client's parents or legal guardian has the right to appeal decisions that have generated a Notice of Action (NOA).

This statement is correct, but it fails to address the right to appeal of those applicants/clients who may disagree with a CCS decision but who have not completed a CCS program application and, as a result, have been issued a denial letter in lieu of an NOA. The purpose of this numbered letter is to provide current program clarification as

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to when a CCS applicant/client has the right to appeal and the issuance of NOAs and denial letters.

**Policy:**

Who May Appeal

CCR Title 22, Section 42702, states:

A CCS applicant or client who disagrees with a decision of the designated CCS agency has the right to appeal that decision except when the service under dispute has been ordered or terminated by a CCS physician with responsibility for the medical supervision of the client.

This section of the CCR requires the CCS program to allow any applicant/client who disagrees with a decision made by the CCS program the right to appeal, other than for the stated exception. The fact that the applicant/ client did not complete, sign and submit a CCS program application has no bearing on his/her right to appeal since many of our clients are either full scope Medi-Cal without a Share of Cost or Healthy Families subscribers who are not required to complete the CCS application process. County CCS programs and CMS Regional Offices shall inform all applicants/clients or applicant/client's parent or legal guardians of their right to appeal when CCS makes a decision to deny that involves an appealable situation.

**Policy Implementation:**

Effective the date of this letter, county CCS programs and CMS Regional Offices will only issue NOAs including the Appeal Process enclosure that involves an action that can be appealed. This applies to any applicant/client who is being denied CCS program services without regard to whether there is a completed CCS application on file. In addition, CCS denial letters are only to be issued when the service under dispute has been ordered or terminated by a CCS physician with responsibility for the medical supervision of the client.

If you have any questions regarding this numbered letter, please contact your state regional office consultant.

**Original Signed by Harvey Fry for Marian Dalsey**

Marian Dalsey, M.D., M.P.H., Chief  
Children's Medical Services Branch