

DATE: September 11, 2023 **PPL 23-004R**

TO: Local Educational Agencies (LEAs) and Local Educational Consortiums (LECs) 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: PPL 21-017R
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, 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

LEAs participating in the SMAA program are only required to complete the data match process twice per year, and LEAs participating in LEA BOP only must complete the process once per year. For LEA BOP, the data match process is typically completed more frequently for the purpose of identifying BIC numbers needed to submit claims. However, once or twice a year is too infrequent to satisfy the Alternative Format requirements.

POLICY:

This PPL makes a distinction from PPL 22-017R's Reporting and Ongoing Requirements for LEAs and LECs participating in LEA BOP and the SMAA program. LEAs, LECs, and their subcontractor's staff may assist Medi-Cal beneficiaries by entering their information into the Alternative Format Selection Application (AFSA) system, but they are not required to enter it.

Additionally, LECs are authorized to share Alternative Format information with the LEAs participating in their SMAA consortium for the purpose of relaying information about students' Alternative Format requests.

All LEAs, whether participating in LEA BOP or the SMAA program, must receive Alternative Format request information at least once per quarter. The data match input file for the data match process must be updated at least every six months to account for changes in student enrollment in the LEA.



In accordance with the terms and conditions of the Provider Participation Agreement and Addendum thereto, LECs 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 and LECs 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
Local Governmental Financing Division
Department of Health Care Services

