

**THIS CA UPDATE HAS BEEN SENT TO THE FOLLOWING:****COUNTIES:**

- Imperial
- Riverside/San Bernardino
- Los Angeles
- Orange
- Sacramento
- San Diego

**LINES OF BUSINESS:**

- Molina Medi-Cal Managed Care
- Molina Medicare Options Plus
- Molina Marketplace (Covered CA)

**PROVIDER TYPES:**

- Medical Group/ IPA/MSO**
  - Primary Care**
  - IPA/MSO
  - Directs
  - Specialists**
  - Directs
  - IPA
- Hospitals**
  - Ancillary**
  - CBAS
  - SNF/LTC
  - DME
  - Home Health
  - Other

## Emergency State Fair Hearing Timeframe Changes APL 21-011

This is an informational notification to Molina Healthcare of California (MHC) network providers regarding the Centers for Medicare and Medicaid Services' (CMS) approval of portions of the Department of Health Care Services' (DHCS) Section 1135 Waiver request as related to the Novel Coronavirus Disease (COVID-19) public health emergency (PHE).

This notification is based on supplemental guidance to All-Plan Letter (APL) 21-011, which can be found in full on the DHCS website at:

<https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2021/APL21-011-Supplement-SFH-Timeframe.pdf>.

### **BACKGROUND**

On March 16, 2020, and March 19, 2020, DHCS submitted requests to waive or modify a number of federal requirements under Section 1135 of the Social Security Act (Title 42 United States Code section 1320b-5) to CMS. DHCS' Section 1135 Waiver submission requested various flexibilities as related to the COVID-19 PHE, including flexibility on the timeframes for members to request Medi-Cal State Fair Hearings (SFH) during the emergency period. On March 23, 2020, CMS submitted an approval letter to DHCS summarizing its approval of specific requested Section 1135 Waiver flexibilities.

On January 30, 2023, the Biden-Harris Administration announced that it intends to end the COVID-19 PHE on May 11, 2023. On February 9, 2023, the United States Department of Health and Human Services (HHS) Secretary, Xavier Becerra, sent a letter to Governors confirming the planned May 11, 2023, PHE end date. As a result, the above-mentioned **Section 1135 Waiver flexibilities expired end of the day on May 11, 2023.**

### **POLICY**

The following supplemental guidance remained in effect until the end of the PHE (end of day May 11, 2023). **This supplemental guidance is now rescinded as of May 12, 2023. The timeframes for requesting a SFH as contained in APL 21-011 and associated attachments currently apply.**

#### Temporary Changes to State Fair Hearing Request Timeframes

MHC members who wished to exercise their right to request a SFH following the exhaustion of the in-plan appeal process were required to make that request no later than 120 calendar days from the date of the MHC's written Notice of Appeal Resolution (NAR). Specifically, any MHC member for whom the 120-day deadline would have occurred between March 1, 2020, through the end of the COVID-19 PHE, are now allowed up to an additional 120 days to request a SFH (initial 120-day timeframe plus an additional 120 days, for a total of 240 days).

### Managed Care Plan Notification to Members

During the COVID-19 PHE, MHC notified members receiving a NAR that upholds an adverse benefit determination that they have an additional 120 days over and above the initial 120 days allowed to request a SFH. If MHC was unable to include this temporary SFH rights information with the NAR at the time of the mailing, members were called at the time the NAR was mailed and notified of their right to request a SFH within 240 days from the date of the NAR.

### Other CMS Approved Section 1135 Modifications

While CMS also approved an additional modification of the timeframe for MHC to resolve appeals to no less than one day, before a member may request a SFH, DHCS chose not to exercise this authority because it could have disrupted the current appeals system and caused confusion for members. MHC resolved expedited appeals for any service within 72 hours from the request. If DHCS learned that MHC was systemically denying medically necessary services, DHCS would invoke the one-day appeal allowance authorized in the Section 1135 Waiver approval to ensure members have access to all medically necessary services during the emergency.

### **What if you need assistance?**

If you have any questions regarding the notification, please contact your Molina Provider Services Representative below:

Service County Area	Provider Services Representative	Contact Number	Email Address
California Hospital Systems	Deletha Foster	909-577-4351	<a href="mailto:Deletha.Foster@molinahealthcare.com">Deletha.Foster@molinahealthcare.com</a>
Los Angeles	Clemente Arias	562-517-1014	<a href="mailto:Clemente.Arias@molinahealthcare.com">Clemente.Arias@molinahealthcare.com</a>
	Christian Diaz	562-549-3550	<a href="mailto:Christian.Diaz@molinahealthcare.com">Christian.Diaz@molinahealthcare.com</a>
Los Angeles / Orange County	Maria Guimoye	562-549-4390	<a href="mailto:Maria.Guimoye@molinahealthcare.com">Maria.Guimoye@molinahealthcare.com</a>
Sacramento	Jennifer Rivera Carrasco	562-542-2250	<a href="mailto:Jennifer.RiveraCarrasco@molinahealthcare.com">Jennifer.RiveraCarrasco@molinahealthcare.com</a>
San Bernardino	Luana McIver	909-501-3314	<a href="mailto:Luana.Mciver@molinahealthcare.com">Luana.Mciver@molinahealthcare.com</a>
San Bernardino / Riverside County	Vanessa Lomeli	909-577-4355	<a href="mailto:Vanessa.Lomeli2@molinahealthcare.com">Vanessa.Lomeli2@molinahealthcare.com</a>
Riverside County	Mimi Howard	562-549-3532	<a href="mailto:Smimi.Howard@molinahealthcare.com">Smimi.Howard@molinahealthcare.com</a>
San Diego / Imperial County	Briana Givens	562-549-4403	<a href="mailto:Briana.Givens@molinahealthcare.com">Briana.Givens@molinahealthcare.com</a>
	Carlos Liciaga	858-614-1591	<a href="mailto:Carlos.Liciaga@molinahealthcare.com">Carlos.Liciaga@molinahealthcare.com</a>
	Salvador Perez	562-549-3825	<a href="mailto:Salvador.Perez@molinahealthcare.com">Salvador.Perez@molinahealthcare.com</a>