

California Department of Health Care Services Ordered To Make Timely Decisions on Medi-Cal Coverage

In a decision announced January 20, a Superior Court Judge determined that the state must adhere to the law and ensure that Medi-Cal applications are decided within 45 days. The State Department of Health Services had argued that due to special circumstances, i.e. a new state computer with lots of issues and a surge in applications under Obamacare, the law should not apply. In March 2014, the backlog of unprocessed claims peaked at more than 900,000 applications. Although the state worked to reduce this number, the suit was brought to ensure that no one would be left in the backlog from 2014 without benefits or notice and that another backlog would not emerge with an influx of new applications during Open Enrollment in November 2015.

"This ruling is very significant," said Lucy Quacinella, of Multiforum Advocacy Solutions, one of the attorneys bringing the suit. "The state made some improvements that never would have happened without the lawsuit. We would absolutely be looking at a growing backlog right now."

MCHA is an organizational plaintiff in the lawsuit, and one of MCHA's clients, Ebony, gave a strong declaration about her experience waiting for her Medi-Cal during her pregnancy, two emergency hospitalizations for which she was billed thousands of dollars, and after she gave birth prematurely. Upon hearing about the ruling, she said, "'I'm so happy for this outcome that will help so many others."

Judge Evelio Grillo of the Alameda County Superior Court ruled that applicants who are likely to be eligible for benefits but whose cases have not been decided within 45 days can receive provisional benefits to protect them from irreparable harm before receiving a final Medi-Cal eligibility determination. The judge also ruled that other applicants are entitled to notice in 45 days about their hearing rights.

The lawsuit was brought by a coalition of legal groups Bay Area Legal Aid, Central California Legal Services, Multiforum Advocacy Solutions, National Health Law Program, Neighborhood Legal Services of Los Angeles County and Western Center on Law & Poverty.

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