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CONSULTANT  
ROBERT MACLAUGHLIN  
COMMITTEE SECRETARY  
SARAH LOFTIN  
STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0087  
(916) 318-9890



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August 14, 2012

Diana Dooley, Secretary  
Health and Human Services Agency  
1600 Ninth Street, Suite 460  
Sacramento, CA 95814

Dear Secretary Dooley,

The elimination of Adult Day Health Care (ADHC) pursuant to AB 97 (Chapter 3, Statutes of 2011) and the Department of Health Care Services' (DHCS) transition to Community Based Adult Services (CBAS) to avoid institutionalization have been challenging. While we understand the DHCS is committed to a smooth transition process, our constituents continue to contact us with complaints. Therefore, we ask that you exercise your administrative authority to avoid further disruption to the client services ordered by the court.

Specifically, the DHCS reports that nearly 2200 former Adult Day Health Care (ADHC) participants—including over 500 who were deemed presumptively eligible under the *Darling v. Douglas* settlement—have appealed their negative determinations. To date, we understand that only 28 appeals have been adjudicated. We are concerned that the Department does not have the capacity to schedule and address the remaining appeals in a timely manner, thereby placing older and disabled Californians at serious risk of unnecessary harm while depriving them of their right to a timely (within 90 days) hearing.

Pending the uncertainty in the adjudication process, CBAS administrators have chosen to continue services to clients they believe would be placed in jeopardy if left at home unsupervised even with enhanced case management. In addition, the 10% Medi-Cal payment reduction, and the absence of "aid paid-pending," have placed multiple sites at the brink of insolvency. Clients shifted to hospital and other higher-cost institutional placements have not served the original budget savings intent.

Finally, there is evidence that in some communities, specifically in San Francisco, Alameda and Contra Costa counties, sites have experienced disproportionate denial rates when compared with sites in the rest of the State. We believe that the eligibility determination process in these counties must be reviewed immediately.

The Legislature agreed to the difficult budget action in eliminating the optional ADHC benefit. We did not agree with the dismantling of the services and neither did the courts. In that spirit, we look forward to your reply and action.

Respectfully,

Mariko Yamada, Chairperson  
Assembly Committee on Aging & Long-Term Care

Nancy Linner

Ed Thompson

Wally Clark

Ryan Quinn

Walter J. F. ...

Mike Eng

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Doni Atkins

Jim Beall

Al ...

Paul Eng

Jan Bechner

Don ...

Sal ...

Jared ...

John ...

cc: Toby Douglas, Director, Department of Health Care Services  
Herb Schultz, Regional Director, U.S. Department of Health and Human services