

September 26, 2014

Department of Health Care Services

Delivered via email to: Michael Luu at [Michael.Luu@dhcs.ca.gov](mailto:Michael.Luu@dhcs.ca.gov); [info@calduals.org](mailto:info@calduals.org)

Re: DPL addressing Complaint, Grievance, and Appeal Process for Multipurpose Senior Services Program

Greetings:

Thank you for providing us with an opportunity to comment on the Duals Plan Letter (DPL) addressing the complaint, grievance, and appeal process for the Multipurpose Senior Services Program (MSSP) under Cal MediConnect.

1. No Wrong Door

The DPL assigns the appeal process for those beneficiaries receiving MSSP waiver services to the MSSP provider. Undoubtedly, because beneficiaries are now in a managed care plan responsible for the delivery of all of their healthcare services, including MSSP, Medicare-Medicaid plans (MMPs) will be contacted by MSSP beneficiaries wishing to appeal or file a complaint or grievance with regard to their MSSP services. The DPL should require MMPs to take the complaint/grievance/appeal information and facilitate the appeal with the MSSP provider. In other words, the MMP cannot simply direct the beneficiary to contact the MSSP provider to file their appeal. The burden of where to file an appeal should not fall on the beneficiary. Similarly, the MSSP providers are likely to receive complaints, grievances, and appeals regarding benefits provided outside of the waiver that are within the purview of the MMP. The DPL should include guidance for the MSSP providers on how they should redirect those appeals to the MMP.

2. Transition Plan

The DPL states that on the first day of the 20<sup>th</sup> month, the complaints/grievances/appeals process will become the responsibility of the MMP. As a preliminary matter, we do not believe that 19 months is a sufficient period of time to transition MSSP responsibilities and services to the MMPs in a manner that maintains the integrity of the MSSP services and protects MSSP beneficiaries. It is imperative that the DPL, at a minimum, require that the MMPs, in collaboration with the California Department of Aging and MSSP providers, develop a transition plan that includes how MMPs will assume the complaint/grievances/appeals process.

Thank you for the opportunity to comment.

Sincerely,

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Denny Chan, Staff Attorney  
National Senior Citizens Law Center