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California Violates Civil Rights of Latinos Receiving Medi-Cal, Complaint to U.S. Dept. of Health and Human Services Alleges *Low Reimbursement Rates Limit Access to Care*

LOS ANGELES – California violates the civil rights of millions of Latinos by providing low reimbursements to physicians and other care providers in the Medi-Cal program for low-income Californians, according to [a complaint advocates filed with the federal government](#) yesterday.

The state’s Medi-Cal reimbursements are so much lower than Medicare and private insurance rates that many providers routinely decline to treat Medi-Cal enrollees, two-thirds of whom are now Latino. In a complaint filed yesterday afternoon with the Office for Civil Rights of the U.S. Department of Health and Human Services, advocates explain that this effectively denies health care access to Latinos and other Medi-Cal recipients.

Analilia Jimenez Perea and her son Saul are two of the complainants in the civil rights charge. Saul is a Medi-Cal patient who has cerebral palsy and is semi-paraplegic. He suffers from severe seizures that have required frequent hospitalizations, but Analilia has had an extremely difficult time finding doctors who will see him, including a year-and-half wait to see a neurologist.

“It’s very sad when I try to get appointment for him at a special clinic and they are happy to speak to me until they ask me what insurance I have, and I say ‘Medi-Cal,’ and they say, ‘I can’t see patients with that insurance,’ or ‘you have to be on the waiting list,’ or ‘no thank you,’” she said (view her video statement at <http://bit.ly/1SXTuUd>).

Medi-Cal reimbursement rates to health providers are so low – 48th in the nation – that in many cases the reimbursement is lower than a physician’s cost of providing care.

“Latinos on Medi-Cal have the same basic right to access health care as others in California,” said Thomas A. Saenz, President and General Counsel of MALDEF (Mexican American Legal Defense and Educational Fund). “By lowering reimbursement rates as Latinos have increased their use of Medi-Cal, California undermines strides recently made in expanding health access, and treats Latinos as second-class patients.”

“California has created a separate and unequal system of healthcare, one for all other insurance plans and an inferior one for the insurance program with the largest proportion of Latinos,” said attorney Bill Lann Lee, Senior Counsel, Civil Rights Education and Enforcement Center

(CREEC). Lee, the former Assistant Attorney General for Civil Rights at the U.S. Department of Justice, explained that the state's actions violate the protections of Title VI of the Civil Rights Act, Department of Health and Human Services' regulations, and Section 1557 of the Affordable Care Act.

"More is at stake than the human suffering caused by inferior access," Lee added. "A recent cancer study shows that Medi-Cal cancer patients receive not only less and later treatment, but die sooner than cancer patients covered by other insurance programs."

"Medi-Cal should raise its reimbursement rates so doctors will treat Medi-Cal patients and monitor and assure that access to medical care is not just an empty promise," said Abbi Coursolle of the National Health Law Program (NHeLP).

The problem was brought to light and put in front of the attorneys by SEIU-United Healthcare Workers West (SEIU-UHW), which has been working to improve Medi-Cal reimbursements for several years.

"In the course of our Medi-Cal advocacy work, we realized that as a group Latinos in particular were suffering from inadequate Medi-Cal reimbursement rates, and we were convinced it was a violation of their civil rights," said Dave Regan, president of SEIU-UHW.

Latinos in California have steadily grown to be the largest group of people by far who receive their healthcare through Medi-Cal. In 2001, there were 2.6 million Latinos in Medi-Cal, representing 49.6 percent of the total Medi-Cal population. By 2014, that number had risen to 7.3 million, or 63.2 percent of the Medi-Cal population.

However, in that same time frame – 2001 to 2014 – Medi-Cal payments to health providers fell 20 percent as a percentage of what Medicare pays for the same services.

"We have filed this complaint with the Office for Civil Rights, which has the power to investigate and correct this inequity," said Catha Worthman, an attorney with Feinberg, Jackson, Worthman and Wasow LLP. "The remedies will make Medi-Cal work for everyone as Congress intended it to, by ensuring that Medi-Cal beneficiaries have the same access to healthcare as everyone else."

The complaint was filed late yesterday by MALDEF; CREEC; NHeLP; and the law firm of Feinberg, Jackson, Worthman and Wasow LLP. The groups have set up a hotline and a website in Spanish and English for Medi-Cal patients who have experienced the same difficulty finding healthcare: (855) 228-1463, www.MediCalCivilRights.com and www.DerechosCivilesEnMediCal.com.

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