

BEFORE THE  
DEPARTMENT OF MANAGED HEALTH CARE  
STATE OF CALIFORNIA

In the Matter of the Application for an  
Advocacy Award of:

California Pan Ethnic Health Network  
(CPEHN),  
Applicant.

**DECISION GRANTING AWARD OF  
ADVOCACY FEES TO CALIFORNIA  
PAN ETHNIC HEALTH NETWORK  
(CPEHN), FOR SUBSTANTIAL  
CONTRIBUTION TO THE  
DEPARTMENT'S HEALTH EQUITY  
AND QUALITY COMMITTEE.**

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**I. SUMMARY**

California Pan Ethnic Health Network (“CPEHN”) (APPLICANT) submitted an Application for an Advocacy Award for its participation in the Department of Managed Health Care’s (Department) Health Equity and Quality Committee. The Department designated Ali Thodas as the Hearing Officer. The Department finds that APPLICANT made a substantial contribution to the Department’s HEQC and awards APPLICANT \$29,785.00.

**II. BACKGROUND OF CONSUMER PARTICIPATION PROGRAM**

The Consumer Participation Program (“CPP”) allows for the award of reasonable advocacy and witness fees to any person or organization that (1) represents the interests of consumers in a proceeding and (2) makes a substantial contribution to the Department in its deliberations regarding the proceeding.<sup>1</sup>

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<sup>1</sup> Cal. Code Regs., tit. 28, § 1010, subd. (a).

### **III. REQUIREMENTS FOR AWARDS OF ADVOCACY AND WITNESS FEES**

#### **A. Petition to Participate**

On June 8, 2011, APPLICANT submitted to the Department its Petition to Participate (Petition). On June 13, 2011, the Department approved APPLICANT's Petition. Applicant certified that the information in the Petition remains true and accurate and it is therefore not required to submit an additional Petition for this Proceeding.<sup>2</sup>

#### **B. Application for Award of Advocacy Fees**

An Application for an Advocacy Award must be submitted no later than sixty (60) days following the effective date of a decision. On December 21, 2022, the Department issued and APL 22-028-Health Equity and Quality Reporting Process<sup>3</sup>, which APPLICANT assisted the Department in Developing. On December 5, 2022, APPLICANT submitted an Application for Award. Since the Application for Award was submitted prior to the issuance of APL 22-028, and since it is permissible to apply during the pendency of a proceeding<sup>4</sup>, APPLICANT'S submission was timely.

### **IV. SUBSTANTIAL CONTRIBUTION**

Applicant was invited to serve on DMHC's Health Equity and Quality Committee (HEQC) where APPLICANT tasked with making recommendations to the Department for standard health equity and quality measures. APPLICANT provided input on key topics important to assessing compliance with statewide quality/equity goals including the following: annual benchmark standards for public and commercial insurance; minimum demographic data collection and reporting standards that particularly

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<sup>2</sup> See Cal. Code Regs., tit. 28, § 1010, subd. (c)(1).

<sup>3</sup> [All Plan Letter 22-028 \(ca.gov\)](#)

<sup>4</sup> See Cal. Code Regs., tit. 28, § 1010, subd. (c)(1).

encourage self-reported data by race, ethnicity, language, sexual orientation and gender identity, disability status and health-related social needs; adoption of National Committee for Quality Assurance (“NCQA”) Accreditation including Health Equity Accreditation; establishment of a statewide measure set to gauge health plan performance on quality and equity goals; establishment of a specific statewide measure set to address mental health plan performance on quality and equity goals; and establishment of language assistance measure(s) to gauge health plan performance in meeting California language access laws on interpreter services and written translations.

The Department has adopted the NCQA health and equity reporting methodology for health plans to report Health Equity and Quality Measure Set (HEQMS), as suggested by APPLICANT during the development process. In addition, APPLICANT participated extensively in the drafting and editing process of the HEQC Recommendations Report. The Department drafted APL 22-028 based on the recommendations the HEQC report<sup>5</sup>. Thus, APPLICANT has made a substantial contribution to the Department’s through its participation in HEQC.

## **V. REASONABLENESS OF HOURS AND COSTS AND MARKET RATE**

### **A. Fees Requested**

APPLICANT billed the following times, hourly rates, and fees for its representatives:

ANDREA RIVERA  
SENIOR LEGISLATIVE ADVOCATE  
TIME: 7 HOURS  
RATE: \$350/hour

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<sup>5</sup> [2022 Health Equity and Quality Committee Recommendations Report \(ca.gov\)](#)

TOTAL: \$2,450

CAROLINE SANDERS  
SENIOR POLICY DIRECTOR  
TIME: 8 HOURS  
RATE: \$385/hour  
TOTAL: \$3,080

KIRAN-SAVAGE-SANGWAN  
EXECUTIVE DIRECTOR  
TIME: 63  
RATE: \$385/HOUR  
TOTAL: \$24,255

## **B. Market Rate**

APPLICANT is entitled to compensation for Advocacy and Witness Fees at hourly rates reflecting the market rates for services. The “Market Rate” is “the prevailing rate for comparable services in the private sector in the Los Angeles and San Francisco Bay Areas.”<sup>6</sup>

To determine the appropriate Market Rate, the Department relies on the market rates used by the California Public Utilities Commission’s (“PUC”) Intervenor Compensation Program. Reference to the PUC’s rates is appropriate because the Intervenor Compensation Program is similar to the Department’s CPP<sup>7</sup> and has an extensive history of awarding intervenor compensation and updating hourly rates used in computing awards of compensation to intervenors. Therefore, the many PUC written decisions granting intervenor compensation provide valuable guidelines for determining reasonableness and market value.

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<sup>6</sup> Cal. Code Regs., tit. 28, § 1010, subd. (b)(8).

<sup>7</sup> The Legislative history behind the Department’s CPP specifically referred to the PUC’s program. See Stats 2002 C. 792 §1 (SB 1092).

### **C. Hourly Rates that Reflect the “Market Rate”**

The Hearing Officer finds that hourly rates for services provided in a statewide proceeding (such as PUC proceedings) are essentially equivalent to hourly rates for “comparable services in the private sector in the Los Angeles and San Francisco Bay Areas.” Therefore, in determining whether Advocacy and Witness fees are consistent with the Market Rate, the Hearing Officer relies on the PUC’s adopted ranges for work intervenor representatives performed in 2021.<sup>8</sup>

### **D. Determination of the Hourly Market Rate for APPLICANT**

The Hearing Officer finds that the hourly rates APPLICANT claimed are consistent with the applicable Market Rate. For work Andrea Rivera performed, APPLICANT claims advocacy and witness fees at the hourly rate of \$350.00. Ms. Douglas earned a bachelor’s degree in political science from San Jose State University and has 5 or more years of experience relating to legislative and public policy analysis, with approximately 2 years concentrating on health care issues. The PUC’s adopted hourly rate range for experts with 5-10 years of experience is \$232 to \$437 per hour. The Hearing Officer finds that the hourly rate of \$350.00 is consistent with the Market Rate.

For work performed by Caroline Sanders, APPLICANT claims advocacy and witness fees at the hourly rate of \$385.00. Ms. Sanders earned a bachelor’s degree from Mount Holyoke College, a master’s degree from University of California at Berkley, and has served as the Senior Policy Director at CPEHN since 2009. The PUC’s adopted hourly rate range for experts with 10-15 years of experience is between

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<sup>8</sup> See [Intervenor Hourly Rate Information](#)

\$263.72 and \$493.98 per hour. The Hearing Officer finds that the hourly rate of \$385.00 is consistent with the Market Rate.

For work performed by Kiran Savage-Sangwan, APPLICANT claims advocacy and witness fees at the hourly rate of \$385. Ms. Savage-Sangwan has a master's degree from New York University. She has worked in public policy since 2011, focusing on health care issues since 2015. The PUC's adopted hourly rate range for experts with 10-15 years of experience is between \$263.72 and \$493.98 per hour. The Hearing Officer finds that the hourly rate of \$385.00 is consistent with the Market Rate.

## **VI. AWARD**

APPLICANT is awarded Advocacy and Witness Fees for work related to participation in the Department's HEQC and the development of the HEQC Recommendations, which form the basis of APL 22-028.

### **SENIOR LEGISLATIVE ADVOCATE**

Hours: 7  
Rate: \$350.00  
Fee: \$2,450.00

### **SENIOR POLICY DIRECTOR**

Hours: 8.0  
Rate: \$385.00  
Fee: \$3,080.00

### **EXECUTIVE DIRECTOR**

Hours: 63  
Rate: \$385.00  
Fee: \$24,255.00

**Total Fees: \$29,785.00**

## **FINDINGS OF FACT**

1. APPLICANT satisfied all the procedural requirements necessary to claim compensation in this Proceeding.
2. APPLICANT made a substantial contribution to the Department's HEQC and the development of the filing requirements in APL 22-028.
3. APPLICANT requested an hourly rate that is reasonable when compared to market rates for persons with similar training and experience as Ms. Rivera, Ms. Sanders, and Ms. Savage-Sangwan.
4. The total reasonable compensation for APPLICANT is \$29,785.00.

## **CONCLUSIONS OF LAW**

1. APPLICANT fulfilled the requirements of California Code of Regulations, title 28, section 1010, and is entitled to compensation regarding the Proposed Merger of Centene and Magellan.
2. APPLICANT should be awarded \$29,785.00.

## **AWARD ORDER**

1. APPLICANT is hereby awarded \$29,785.00 as compensation for its Substantial Contribution to the Department's HEQC.
2. Payment shall be made within thirty (30) days of the effective date of this decision.
3. This decision is effective thirty (30) days after posting this decision on the Department's website.<sup>9</sup>

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<sup>9</sup> Cal. Code Regs., tit. 28, § 1010 subd. (e)(5), (6).

Dated: February 3, 2023

Original Signed By:

A handwritten signature in blue ink, appearing to read "A. Thodas", is written over a grey rectangular background. A horizontal line is drawn below the signature.

ALI THODAS  
Hearing Officer  
Department of Managed Health Care