



**H E A L T H   R I G H T S   H O T L I N E**  
**I N D E P E N D E N T   A S S I S T A N C E   F O R   H E A L T H   C A R E   C O N S U M E R S**

April 9, 2007

Consumer Participation Program  
Department of Managed Health Care  
980 9<sup>th</sup> Street, Suite 500  
Sacramento, CA 95814

*Sent via e-mail*

**RE:   Application for an Award of Advocacy and Witness Fees  
2004-0115 Access to Language Assistance (SB 853)**

To Whom It May Concern:

The Health Rights Hotline, a program of Legal Services of Northern California, is submitting this request to the Department of Managed Health Care for an Award of Advocacy and Witness Fees in the amount of \$19,916.25 for providing a substantial contribution to the Language Assistance Program regulation. The Hotline attempted to submit this request via the DMHC/CPP website but encountered technical difficulties that resulted in an incomplete application being submitted. Please consider this letter and attachment as replacements for the on-line submission.

The following describes the ways in which the Health Rights Hotline involvement made a substantial contribution to the Language Assistance Program proceeding:

Beginning in September 2005, the Health Rights Hotline (Hotline) was invited by DMHC to participate in a series of stakeholder discussions as DMHC began developing the first draft of the Language Assistance Program regulation. As part of this process, Hotline staff researched the history and intent of SB 853, the legislation that created the Language Assistance Program, participated in conference calls with other advocates to prepare a response to the proposed draft regulation DMHC sent to various stakeholders, and attended a meeting facilitated by DMHC with other stakeholders including health and dental plans, providers and consumer advocates. The Hotline's Program Director and Staff Attorney actively participated in the stakeholder discussion and submitted written comments on the draft regulation to DMHC on September 23, 2005.

The Hotline's comments focused on the definition of "vital" documents, notices of availability of interpretation services, timeliness of providing interpretation services, using family or friends as interpreters and notices of where consumers can go for help with language assistance. The Hotline based its comments on data gathered from limited-English proficient (LEP) consumers who contacted the Hotline for assistance with navigating the managed care system.

DMHC published the regulation on December 23, 2005 and opened a 60-day public comment period. From December 2005 to February 2006, Hotline staff participated on conference calls with DMHC staff to discuss the regulation, reviewed the regulation and legislation, researched other stakeholder comments and concerns, and participated on conference calls with other consumer advocacy

**Health Rights Hotline**  
**Request for an Award of Advocacy and Witness Fees**  
**2004-0115 Access to Language Assistance (SB 853)**  
**Page 2 of 3**

organizations in preparation for a public hearing DMHC held on February 16, 2006. The Hotline's staff attorney traveled from Sacramento to Oakland where she testified at the public hearing regarding the issues mentioned above. After the hearing, the Hotline prepared formal written comments on the proposed regulation and submitted them to DMHC on March 3, 2006.

The Hotline's comments during the first formal public comment period focused on individual access to free interpretation services and health plans' responsibility to notify LEP consumers of the availability of language assistance. Included in the Hotline's comments were examples of such notices and samples of the Hotline's "I Speak" cards which health plans could modify for their LEP members informing them of their right to interpretation services. The Hotline also commented on the need for high quality translations of written documents and ways in which health plans could reduce the cost of complying with the regulation. The Hotline suggested that DMHC require health plans to collect data on the language needs of their members and used its own experience in collecting such data as an example of how health plans could easily collect such data. The Hotline comments suggested that DMHC require health plans to train their staff on the availability of language assistance and establish timelines for conducting such training. In addition, the Hotline strongly encouraged DMHC to prohibit the use of minors as interpreters, citing the importance of having trained medical interpreters available for LEP consumers.

DMHC responded to the Hotline's comments in detail on July 10, 2006 and revised some sections of the regulation.

On July 26, 2006, DMHC released a second version of the regulation and opened a 30-day public comment period which was subsequently extended to September 25, 2006. During August and September 2006, Hotline staff participated on conference calls with other consumer advocates, reviewed the revised regulation and compared the revision with the initial regulation and identified areas where DMHC responded favorably to the Hotline's suggestions. The Hotline submitted a second set of written comments to DMHC on August 27, 2006. The focus of the Hotline's comments was on translation of vital information and dental plan compliance. Again, the Hotline based its comments on the experience of LEP consumers who had contacted the Hotline for assistance with a health-related problem.

On November 17, 2006, DMHC released a third version of the regulation and opened a 16-day comment period. DMHC made significant changes to the regulation in this revision which required the Hotline to carefully compare the second and third versions, consult with other consumer advocates, and review Hotline data for new information to include in comments to DMHC. The Hotline submitted written comments to DMHC on December 1, 2006. The focus of these comments was on the definitions of vital documents to be translated, language assistance in dental plans, assessing the linguistic needs of plan enrollees, identification of enrollees' preferred language and outreach and marketing materials.

Through these activities, the Health Rights Hotline made a substantial contribution to the language assistance program regulation. The Hotline presented relevant issues, evidence and arguments that were seriously considered by DMHC which we believe resulted in more relevant, credible and non-

**Health Rights Hotline**  
**Request for an Award of Advocacy and Witness Fees**  
**2004-0115 Access to Language Assistance (SB 853)**  
**Page 3 of 3**

frivolous information being available to the Director. Therefore, the Hotline is requesting an award of advocacy and witness fees in the amount of \$19,916.25.

Attached is documentation of the specific activities undertaken by the Hotline including the activity, other parties involved in the proceeding, subject matter and work description, date of activity, time spent, billed amount and hourly rate for the staff involved in each activity.

Thank you for your consideration of our request.

Sincerely,

Shelley Rouillard  
Program Director

Attachment

**HEALTH RIGHTS HOTLINE  
DMHC Consumer Participation Program Fee Request  
Language Assistance Programs Regulation**

Activity	Other Parties Involved in Proceeding	Subject Matter and Work Description	Date of Activity	Staff Group	Exact Time Spent (Hours)	Amount Billed for Task	Hourly Rate	Name of Witness
Research		Reviewing SB 853 legislation	9/2/05	VRF	0.25	\$56.25	\$225.00	
Research		Reviewing draft of proposed regulation stakeholders to DMHC re: proposed regulation	9/6/05	VRF	1.00	\$225.00	\$225.00	
Research	Marty Martinez	Conf Call with Marty Martinez @ CPEHN	9/9/05	SRL	0.50	\$105.00	\$210.00	
Conference Call	Vanessa Franco		9/12/05	SRL	1.00	\$210.00	\$210.00	
Research		Review comments from stakeholders	9/12/05	SRL	0.75	\$157.50	\$210.00	
Research		Review comments from stakeholders on draft regulations	9/12/05	SRL	0.25	\$52.50	\$210.00	
Research		regs, stakeholder commentary, cf federal policy, commenting	9/12/05	VRF	6.00	\$1,350.00	\$225.00	
Phone Call	Marty Martinez Sheilley Rouillard	conference call with Marty Martinez, CPEHN	9/12/05	VRF	1.00	\$225.00	\$225.00	
Research		'Language Barrier' case report from 1/1/05 through 8/31/05	9/13/05	VRF	0.75	\$168.75	\$225.00	
Research		Other Languages' Report to begin drafting letter	9/13/05	VRF	0.75	\$168.75	\$225.00	
Meeting	CADP, Delta Dental, Kaiser, CDI, PacificCare, NADP, NAVCP, CHIA, CMA, OPA, Blue Shield, CAHP, Blue Cross, Brown&Toland, CAPG, NAMMC, LIF, CPEHN, NHELP, Health Net, DMHC Staff	Stakeholders Meeting @ DMHC	9/13/05	VRF	6.00	\$1,350.00	\$225.00	
Meeting	See above	Stakeholders Meeting @ DMHC	9/13/05	SRL	6.00	\$1,260.00	\$210.00	

**HEALTH RIGHTS HOTLINE  
DMHC Consumer Participation Program Fee Request  
Language Assistance Programs Regulation**

Activity	Other Parties Involved in Proceeding	Subject Matter and Work Description	Date of Activity	Staff	Exact Time Spent (hours)	Amount Billed for Task	Hourly Rate	Name of Witness
Letter		Drafting letter to DMHC	9/15/05	VRF	2.25	\$506.25	\$225.00	
Meeting	Vanessa Franco	Meet with Vanessa to discuss response to proposed regulations	9/16/05	SRL	0.50	\$105.00	\$210.00	
Meeting	Shelley Rouillard	with SR ti discuss HRH response to proposed regulation	9/16/05	VRF	0.50	\$112.50	\$225.00	
Letter		Editing and finishing draft	9/19/05	VRF	0.25	\$56.25	\$225.00	
Letter		to DMHC	9/19/05	VRF	1.75	\$393.75	\$225.00	
Letter		Editing Letter	9/19/05	VRF	1.50	\$337.50	\$225.00	
Letter		Review draft letter to DMHC	9/20/05	SRL	0.50	\$105.00	\$210.00	
Letter		Reviewing SR's comments, adding to draft	9/21/05	VRF	0.25	\$56.25	\$225.00	
Meeting	Vanessa Franco	Review letter to DMHC with Vanessa	9/21/05	SRL	0.25	\$52.50	\$210.00	
Meeting	Shelley Rouillard	Review letter with Shelley	9/21/05	VRF	0.25	\$56.25	\$225.00	
Letter		revising letter per SR's suggestions	9/22/05	VRF	0.75	\$168.75	\$225.00	
Letter		Review final draft letter to DMHC	9/23/05	SRL	0.50	\$105.00	\$210.00	
Letter		Reviewing JAR's comments, revising letter accordingly	9/23/05	VRF	1.50	\$337.50	\$225.00	
Letter		assembling and mailing hard copy letter	9/23/05	VRF	1.50	\$337.50	\$225.00	
Research		Reviewing Sept 29 proposed reg printing and reviewing DMHC's Compliance Verification Checklist	10/4/05	VRF	0.50	\$112.50	\$225.00	
Other		Reviewing e-mailed comments from stakeholders	10/26/05	VRF	0.25	\$56.25	\$225.00	
Research			11/1/05	SRL	0.50	\$105.00	\$210.00	

**HEALTH RIGHTS HOTLINE  
DMHC Consumer Participation Program Fee Request  
Language Assistance Programs Regulation**

Activity	Other Parties Involved in Proceeding	Subject Matter and Work Description	Date of Activity	Staff	Exact Time Spent (hour)	Amount Billed for Task	Hourly Rate	Name of Witness
Other		Suzanne Chammmout's email, printing/filing new draft	12/14/05	VRF	0.25	\$56.25	\$225.00	
Research		comparing drafts; taking notes for letter & mtg w/ Suzanne from DMHC	12/18/05	VRF	1.50	\$337.50	\$225.00	
Letter		Email to SRL re analysis of new draft	12/19/05	VRF	0.50	\$112.50	\$225.00	
Phone Call	Suzanne Chammmout Vanessa Franco	Conf Call with Suzanne Chammmout and Vanessa Franco	12/22/05	SRL	0.50	\$105.00	\$210.00	
Phone Call	Suzanne Chammmout Shelley Rouillard	prep & call with SRL and Suzanne Chammmout re proposed regs draft 1	12/22/05	VRF	0.75	\$168.75	\$225.00	
Research		Review proposed regulations and Vanessa's comments	12/22/05	SRL	1.25	\$262.50	\$210.00	
Phone Call	LIF, CPEHN, MALDEF, Health Access, NHeLP	w/ LIF, CPEHN, MALDEF, Beth Capelli, Doreena Wong. Re strategy and hearings.	1/13/06	VRF	1.50	\$337.50	\$225.00	
Research		printing/reviewing emails; keeping case notes; reviewing notes	1/13/06	VRF	0.50	\$112.50	\$225.00	
Research		Reviewing revised regulation draft for testimony at Feb 16 public hearing with Vanessa	1/13/06	VRF	0.50	\$112.50	\$225.00	
Meeting	Vanessa Franco	deadlines, focus of comments, and upcoming hearing	1/27/06	SRL	0.50	\$105.00	\$210.00	
Meeting	Shelley Rouillard	restoring notes lost by computer	1/27/06	VRF	0.50	\$112.50	\$225.00	
Other		Mercer, Hemi Kim, MALDEF to prepare for public hearing	2/3/06	VRF	0.25	\$56.25	\$225.00	
Phone Call	CPEHN, LIF, MALDEF, SERAC	reading, filing, calendaring DMHC press releases re hearing	2/3/06	VRF	1.50	\$337.50	\$225.00	
Other		researching legislative history for SB 853	2/7/06	VRF	0.25	\$56.25	\$225.00	
Research		Preparing for hearing in Oakland on Thursday	2/14/06	VRF	0.25	\$56.25	\$225.00	
Hearing			2/14/06	VRF	2.75	\$618.75	\$225.00	

**HEALTH RIGHTS HOTLINE  
DMHC Consumer Participation Program Fee Request  
Language Assistance Programs Regulation**

Activity	Other Parties Involved in Proceeding	Subject Matter and Work Description	Date of Activity	Staff	Exact Time Spent (hour)	Amount Billed for Task	Hourly Rate	Name of Witness
Research		health plans' proposals to shape comments for hearing and letter	2/15/06	VRF	2.50	\$562.50	\$225.00	
Other		Travel to and from Oakland for press conference and hearing	2/16/06	VRF	4.25	\$956.25	\$225.00	
Hearing		Attending press conference and testifying at hearing	2/16/06	VRF	3.50	\$787.50	\$225.00	
Other		entering notes re press conference and hearing.	2/17/06	VRF	0.50	\$112.50	\$225.00	
Letter		Began organizing first draft of comments, due 3/3/06	2/21/06	VRF	0.50	\$112.50	\$225.00	
Meeting	Vanessa Franco	hearing results, begin developing written testimony	2/21/06	SRL	0.75	\$157.50	\$210.00	
Meeting	Shelley Rouillard	with SRL to discuss hearing, next steps	2/21/06	VRF	0.50	\$112.50	\$225.00	
Letter		drafting letter/comments on proposed reg	2/22/06	VRF	0.75	\$168.75	\$225.00	
Letter		drafting letter/comments on proposed reg	2/22/06	VRF	0.50	\$112.50	\$225.00	
Research		conducting factual and legal research to support points in comments	2/23/06	VRF	0.75	\$168.75	\$225.00	
Letter		working on draft comments	2/24/06	VRF	3.50	\$787.50	\$225.00	
Letter		Review letter to DMHC commenting on regulations	2/28/06	SRL	0.50	\$105.00	\$210.00	
Letter		revised letter	2/28/06	VRF	0.25	\$56.25	\$225.00	
Letter		revising letter	3/1/06	VRF	1.75	\$393.75	\$225.00	
Letter		editing letter per SRL's comments	3/1/06	VRF	0.50	\$112.50	\$225.00	
Research		Reading and annotating CPEHN's letter	3/2/06	VRF	0.50	\$112.50	\$225.00	
Letter		Finishing second draft of letter.	3/2/06	VRF	3.50	\$787.50	\$225.00	

**HEALTH RIGHTS HOTLINE  
DMHC Consumer Participation Program Fee Request  
Language Assistance Programs Regulation**

Activity	Other Parties Involved in Proceeding	Subject Matter and Work Description	Date of Activity	Staff	Exact Time Spent (hour)	Amount Billed for Task	Hourly Rate	Name of Witness
Research		Reading NHeLP's comments	3/3/06	VRF	0.50	\$112.50	\$225.00	
Letter		Review final draft of letter commenting on regulations	3/3/06	SRL	0.75	\$157.50	\$210.00	
Letter		Making draft edits to comments per SR's input	3/3/06	VRF	1.50	\$337.50	\$225.00	
Letter		Final round of revisions	3/3/06	VRF	0.50	\$112.50	\$225.00	
Phone Call	CPEHN, LIF, MALDEF, Health Access, NHeLP	Conf Call with advocates to discuss regulations and comments	8/2/06	SRL	1.00	\$210.00	\$210.00	
Research		Review revised regulations	8/2/06	SRL	0.50	\$105.00	\$210.00	
Research		Review revised regulations	8/2/06	SRL	0.50	\$105.00	\$210.00	
Meeting	Jayne Burkman Julie Rogado	Meeting to discuss HRH comments on revised regulation	8/2/06	SRL	0.25	\$52.50	\$210.00	
Letter		Draft comments on final regulations	8/13/06	SRL	1.75	\$367.50	\$210.00	
Letter		Review draft letter	8/14/06	SRL	0.50	\$105.00	\$210.00	
Letter		Finalize 2nd comment period letter	8/27/06	SRL	0.25	\$52.50	\$210.00	
Letter		Review and comment on NHeLP letter commenting on 2nd round of regs	9/24/06	SRL	0.75	\$157.50	\$210.00	
Research		Read 3rd round of regulations	11/30/06	SRL	1.00	\$210.00	\$210.00	
Letter		Draft letter to DMHC re 3rd draft of regulation	11/30/06	SRL	1.00	\$210.00	\$210.00	
Letter		Continue drafting 3rd round comment letter	11/30/06	SRL	0.75	\$157.50	\$210.00	
Phone Call	Doreena Wong	NHeLP to coordinate advocate comments	11/30/06	SRL	0.50	\$105.00	\$210.00	



**HEALTH RIGHTS HOTLINE  
DMHC Consumer Participation Program Fee Request  
Language Assistance Programs Regulation**

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Letter		Final review of 3rd comment letter	12/1/06	SRL	0.50	\$105.00	\$210.00	
Letter		Writing 3rd comment period letter to DMHC	12/1/06	SRL	1.75	\$367.50	\$210.00	
<b>TOTAL</b>					<b>90.25</b>	<b>\$19,916.25</b>		