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ALL PLAN LETTER

DATE: March 18, 2020
TO: All Health Care Service Plans
FROM: Sarah Ream, Acting General Counsel

SUBJECT: APL 20-008 – Provision of Health Care Services During Self Isolation Orders

On March 16, 2020, seven Bay Area counties (Contra Costa, Santa Clara, San Mateo, San Francisco, Alameda, Santa Cruz and Marin) and the city of Berkeley issued an order (Orders) directing people to self-isolate to the maximum extent possible at their residences through April 7, 2020.

Following the issuance of the Orders, the Department of Managed Health Care (DMHC) began receiving questions about whether health care providers and health plan personnel may continue to go to work. This APL provides guidance. However, plans and providers should consult with their legal counsel regarding specific situations.

Health Care Service Plans Must Continue to Provide Health Care Services and Perform Health Plan Functions

The County and City Orders are explicit that **health plan personnel whose work is necessary to “avoid any impacts to the delivery of healthcare, broadly defined” are exempt from the Orders and may travel to and from work. Also exempt from the Orders are health plan personnel whose work is necessary to ensure the continued performance of core health plan functions and/or facilitate the remote work of other health plan employees.**

The DMHC understands plans may choose to delay some services, such as elective surgeries or other non-urgent procedures, during this time. This is permissible provided the referring or treating provider, or the health professional providing triage or screening services, as applicable, has determined and noted in the relevant record that a longer waiting time will not have a detrimental impact on the health of the enrollee. (Cal. Code Regs., title 28, section 1300.67.2.2 (c)(5)(G).)

The DMHC has received questions from plans about whether during this time plans must continue to mail hard-copy notices to enrollees and providers as required by law in some instances if the plan also contacted the enrollee or provider electronically or telephonically. If the plan does not have personnel available to mail hard-copy

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information, it is sufficient to communicate with enrollees and providers electronically and/or telephonically, so long as the plan maintains a log or record of the communications.

If you have questions or concerns regarding this APL, please contact Sarah Ream, Acting General Counsel, at (916) 324-2522 or via email at Sarah.Ream@dmhc.ca.gov.