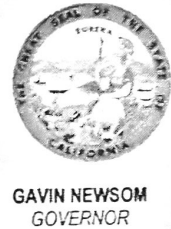




State of California—Health and Human Services Agency
Department of Health Care Services



June 24, 2020

Life Advocates
P.O. Box 935
Sacramento, CA 95812

sheila@californiaprolife.org

Re: Public Records Act Request # R000183-051520

Dear Life Advocates:

On January 15, 2020, the California Department of Health Care Services (DHCS) received your letter dated January 9, 2020, requesting records under the Public Records Act (PRA) (PRA Request # 2020-021). On February 4, 2020, DHCS sent a letter with our response. On May 14, 2020, DHCS received your email "CA Public Records Request" dated May 14, 2020 (PRA Request #R000183-051520). On May 27, 2020, DHCS emailed an extension letter notifying you that DHCS must consult with other components of the Department in order to fulfill your request. The same e-mail stated that DHCS was exercising its authority under Government Code, Section 6253, subdivision (c), to extend the due date to reply to this PRA request to June 10, 2020. On June 10, 2020, DHCS emailed an extension letter notifying you that DHCS must consult with other components of the Department in order to fulfill your request by June 24, 2020. This letter is to let you know that DHCS has completed its review in response to PRA Request # R000183-051520.

Regarding Question 1:

1. What state agency has information in response to Question 1?

DHCS response: DHCS does not interpret this request to seek any "public records" or "writings" as those terms are defined in Government Code, Sections 6252 (e) and (g). Further, DHCS does not collect the information requested.

Regarding Question 2(b):

2. Are abortion providers themselves still required to submit information on gestational ages of aborted babies, pursuant to page 5 of the portion of the Medi-Cal Provider

Manual that deals with abortion? If not, why not? The relevant portion of the manual state:

"The **fetal gestational age** and surgical procedure code used to perform the abortion (for example, suction, curettage, evacuation) should be indicated in the Remarks field (Box 80)/Additional Claim Information field (Box 19) of the claim."

DHCS response: DHCS does not interpret this request to seek any "public records" or "writings" as those terms are defined in Government Code, Sections 6252 (e) and (g). To the extent that you seek public records regarding general information on reimbursement of abortion services, the Provider Manual section titled "Abortions" were provided in response to PRA Request # 2020-021 and are also available online at http://files.medi-cal.ca.gov/pubsdoco/publications/masters-mtp/part2/abort_m00o03.doc. Where a particular procedure is relevant only to a designated gestational age range, the provider should indicate the gestational age on the claim to assure appropriate reimbursement.

3. Does any other agency, whether governmental or private, collect data on gestational ages of aborted babies funded by Medi-Cal?

DHCS response: DHCS does not interpret this request to seek any "public records" or "writings" as those terms are defined in Government Code, Sections 6252 (e) and (g). Further, DHCS does not collect the data requested.

Regarding Question 2(c):

4. In the RASS reports of Medi-Cal Funded Induced abortion for 2009-2016, in the tables giving Procedure Types, there is a category "Other."

a. What does this refer to?

DHCS response: The 2011-2014 reports provided in response to PRA Request #2020-021 specify that the following codes correspond to the "Other" procedure type category in those years: "Surgery Code one of: 750, 9649, 7491; or Diagnosis Code 635 **AND** either Diagnosis Code 695 or Surgery Code 7491."

b. What is the reason, if known, for the sudden increase of "Other" abortions in 2015 and 2016 over prior years?

DHCS response: DHCS does not interpret this request to seek any "public records" or "writings" as those terms are defined in Government Code, Sections 6252 (e) and (g). Further, DHCS does not collect the information requested.

Regarding Question 2(d):

5. Why is abortion paid for by Medi-Cal without any medically indicated reason if CA Health and Safety Code Sec. 123468(b)(2) requires a health reason for abortions on viable babies?

DHCS response: DHCS does not interpret this request to seek any "public records" or "writings" as those terms are defined in Government Code, Sections 6252 (e) and (g). To the extent that you seek public records regarding general information on reimbursement of abortion services, DHCS previously provided the Provider Manual section entitled "Abortions" in response to PRA Request # 2020-021. These pages are also available online at http://files.medi-cal.ca.gov/pubsdoco/publications/masters-mtp/part2/abort_m00o03.doc.

Regarding Question 3:

6. What state agency collects information on infants born alive after failed abortions? What agency is responsible for enforcement of CA Health and Safety Code Sec. 123435?

DHCS response: DHCS does not interpret this request to seek any "public records" or "writings" as those terms are defined in Government Code, Sections 6252 (e) and (g). Further, DHCS does not collect the information requested.

Additional Questions

1. Does DHCS conduct on-site inspections of abortion facilities and, if so, under what circumstances?

DHCS response: DHCS' Audits and Investigations Division (A&I), Special Investigations Unit, may inspect a facility if the facility is being audited for potential fraud, waste, and abuse. Additionally, the A&I Medical Review Branch conducts on-site Field Audit Reviews for interviews and to collect records, based on billing concerns. Please see the enclosed "MRB_Research_PRA." Additional records are not releasable per *Cox v. Roskelley*, (9th Cir. 2004) 359 F.3d 1105 and *Guzman v. Shewry*, (9th Cir. 2009) 552 F.3d 941, as they identify specific providers and protected private information.

2. Does DHCS receive complaints related to abortion services? If not, what state agency does? If yes, please provide the number and nature of complaints in the last 10 years, which providers were the subjects of the complaints, and how they were resolved.

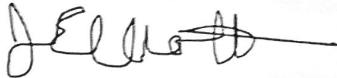
DHCS response: DHCS has no responsive records.

no info on
born alive
infants

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If you have questions regarding this matter, please do not hesitate to contact Lyle Smith by email at Lyle.Smith@dhcs.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Elliott", with a long horizontal line extending to the right.

Jim Elliott
Chief, Policy Development and Analytics Team

Enclosure

cc: Lyle Smith, Division Public Records Act Coordinator