

# SB 1135 (Monning): Consumers Deserve to Know Their Rights

## *Where to Complain, Timely Access to Care and Language Access*

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California law gives consumers the right to timely access to care and care in their preferred language. Consumers also have the right to complain to state regulators if they have a problem with their health coverage. However, very few consumers know these consumer protections exist or where to complain if they do not get timely access to care or care in the language they speak.

Sponsored by Health Access, [SB 1135](#) (Monning) requires health plans and insurers to notify consumers and health care providers about patients' right to timely care and language assistance. This bill also requires insurers to include the toll-free number for the consumer call centers of the Department of Managed Health Care (DMHC) and the California Department of Insurance (CDI) on consumers' insurance cards.

### Existing Consumer Rights

Under existing California law, health plans are required to provide patients with appointments within specific timeframes and arrange for interpreters and translated written materials when requested by the patient. These laws state:

**Consumers have a right to timely access to care.** Specifically:

- An urgent care appointment shall be available to the patient within 48 hours of a request, unless prior authorization is required;
- A non-urgent primary care appointment shall be available within 10 business days;
- A non-urgent appointment with a specialist shall be available within 15 business days;
- Health plans must provide telephone triage or screening 24 hours a day, seven days a week. Calls must be returned within 30 minutes by a qualified health professional.

Health plans and insurers are obligated to have enough doctors in their networks to provide timely access to care.

**Consumers have a right to language assistance,** including Interpreter services at the time of the appointment at no cost to the patient. No consumer should ever face the choice of a timely appointment or care in the language spoken and California law requires access to an interpreter without affecting timely access to care.

**Patients can call a toll-free phone number for the consumer complaint call centers** at DMHC and CDI, which help patients resolve problems with their health plans and insurers.

A recent survey by Consumers Union found that most California consumers with private coverage do not understand that they can complain to state regulators about their health coverage and 85% of consumers do not know which State agency is tasked with handling complaints about health plans and insurers.<sup>1</sup> Existing law already requires the health plan's toll-free number to be included on the insurance card but not the toll-free number for DMHC or CDI.

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<sup>1</sup> Consumer Reports National Research Center. Californians Face Out-of-Network Bills, Don't Know Where to Turn for Help (May 2015). Available at: <http://consumersunion.org/wp-content/uploads/2015/05/Surprise-Bills-Survey-CA.pdf>.

Nearly 10 million Californians are enrolled in Medi-Cal managed care but almost none complain to DMHC. In addition, the Medi-Cal Managed Care Office of the Ombudsman is ill-equipped to handle complaints, making it even more important for Medi-Cal managed care beneficiaries to know how to reach DMHC's help center.

Last year, a State Auditor Report found problems with a phone system, coupled with staffing limitations, led to tens of thousands of calls being rejected per month and an average of 12,500 additional calls going unanswered.<sup>2</sup> This bill will provide consumers in Medi-Cal managed care the opportunity to complain to DMHC like privately covered managed care consumers.

## Proposed Legislation: Give Consumers Notice about their Rights

Most consumers do not know where to complain when they need help getting the care they need when they need it. And few consumers know that they have a right to timely access to care and care in the language they speak. In SB 1135 (Monning), health plans and insurers are required to:

**Notify patients of their right to timely access and language access** through existing documents and communication channels, such as:

- Evidence of Coverage documents
- Wherever information on language assistance is provided, as required by existing law
- Provider directories
- Health plan and insurer websites
- Annual enrollment or renewal notices

**Provide doctors, hospitals and other health providers with information about timely access requirements.** This information helps doctors to better serve their patients, especially when they are making referrals to other doctors or specialists.

**Require the toll-free phone number to consumer call centers operated by DMHC or CDI to be included on consumers' insurance cards.** This would apply to both commercial and Medi-Cal managed care plans. Putting the right 800 number on the insurance card will help consumers know where to call.

*For more information about this legislation, please contact Tam Ma, Health Access California, at [tma@health-access.org](mailto:tma@health-access.org) or 916-497-0923 x. 201.*



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<sup>2</sup> California State Auditor, California Department of Health Care Services: Improved Monitoring of Medi-Cal Managed Care Health Plans Is Necessary to Better Ensure Access to Care (June 2015). Available at: <https://www.auditor.ca.gov/reports/summary/2014-134>