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## ALL PLAN LETTER

**DATE:** June 15, 2020  
**TO:** All California Licensed Health Plans  
**FROM:** Sarah Ream  
Acting General Counsel

**SUBJECT:** APL 20-022 - Compliance with California nondiscrimination requirements

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The California Department of Managed Health Care protects consumers' health care rights, including the right to be protected from discrimination based on categories like gender identity and sexual orientation that are enshrined in California law.

On June 12, 2020, the U.S. Department of Health and Human Services issued a finalized rule eliminating certain federal regulations that protected individuals from discrimination based on categories like gender identity and sexual orientation. In addition, the final rule eliminates the federal requirement that health plans include in "vital documents," as defined by law, taglines informing individuals with Limited English Proficiency (LEP) about the availability of language assistance services.

Notwithstanding the new federal rule, all California-licensed health plans must continue to comply with California law, which protects all Californians from discrimination based on, among other things, gender identity and sexual orientation.<sup>1</sup>

Likewise, California-licensed health plans must continue to comply with California's requirements to provide enrollees with notice of the availability of free language assistance services in English and the top 15 languages spoken by LEP individuals in California.<sup>2</sup> California law also requires health plans to provide translations of vital documents into the top one or two languages, other than English, spoken by the plans' enrollees.<sup>3</sup>

The DMHC remains committed to protecting the health care rights of all Californians, regardless of their gender identity, sexual orientation, or English proficiency.

If your health plan has questions regarding this All Plan Letter, please contact your plan's assigned reviewer in the Office of Plan Licensing.

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<sup>1</sup> California Government Code section 11135; California Health and Safety Code sections 1357.503, 1367.042 and 1399.851.

<sup>2</sup> Health and Safety Code section 1367.04.

<sup>3</sup> Health and Safety Code section 1367.04.