



July 25, 2011

Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Attention: CMS-9993-IFC2  
P.O. Box 8010  
Baltimore, MD 21244-8010

**Re: Comments on Amendment to Interim Final Rules  
RIN 0938-AQ66 Group Health Plans and Health Insurance Issuers: Rules Relating to  
Internal Claims and Appeals and External Review Processes**

To whom it may concern:

As California based organizations we write to express our concerns about the proposed amendments to the Interim Final Rules RIN 0938-AQ66 for Group Health Plans and Health Insurance Issuers: Rules Relating to Internal Claims and Appeals and External Review Processes. The new regulations have significantly weaker language access provisions after exaggerated complaints from the insurance industry about the costs associated with implementation of California's landmark language access law, SB 853.

The Having Our Say coalition, a statewide coalition of over 50 organizations works to ensure that health care reform solutions address the needs of communities of color. Our goal is to work together to advance health policies that affirm our vision of inclusion and equality.

Under the revised Interim Regulations, plans will now only be required to provide translated consumer notices to 10% of the population in a county and oral interpretation is required to be provided only in those same languages. These standards actually take us a step backward, negating the requirement under Title VI Office of Civil Rights that individuals receive oral interpretation in any language.

The proposed standards fail to recognize the needs of the 12 million residents in the United States who do not speak English well, over half of whom reside in California. As health plan and insurance members, they pay premiums and receive marketing materials and calls in their primary language, but under these proposed regulations, they would not be able to access plan review and appeals materials to ensure they receive the care they need. There are over 100 different languages spoken in California, and nearly 20% of the state's population speaks English less than "very well." Health plans and health insurance issuers should recognize and accommodate a state's diversity to ensure that all consumers have access to quality care and the same rights guaranteed under Title VI Office of Civil Rights.

The Centers for Medicaid & Medicare Services (CMS), Internal Revenue Service (IRS), and Department of Labor (DOL) should immediately revise these joint Interim Regulations. Specifically they should:

- Require large group plans to provide notices to 5% of the plan's population or 500 persons in a plan's service area and 25% of the population for small group plans.
- Provide oral interpretation in all languages at all times under Title VI of the Civil Rights Act of 1964, reiterated in Section 1557 of the ACA, and by Executive Order published at 65 Fed. Reg. 50,121-22 (Aug. 16, 2000).
- Require the identification ("tagging and tracking") of a member's spoken and written language need as required by Title VI Office of Civil Rights in order to ensure effective communication about medical instructions and vital patient information critical to the provision of quality care.
- Reject bogus claims by health plans that these regulations will be too costly by using California's language access law, SB 853, as an example. These federal regulations apply to a much narrower set of documents – notices about appeals and denials of medical coverage – than those covered by SB 853. Under SB 853 In addition, the costs health plans are citing are one time translation costs for documents that will be used for many years.

Thank you for your time and consideration.

Sincerely,

ACCESS/Women's Health Rights Coalition  
ACT for Women and Girls  
Alliance of Californians for Community Empowerment  
Asian Health Services  
Asian Pacific American Legal Center  
Black Women for Wellness  
Cal-Islanders Humanitarian Association  
California Immigrant Policy Center  
California Latinas for Reproductive Justice  
California Pan-Ethnic Health Network  
California Partnership  
California Rural Legal Assistance Foundation  
Central Valley Partnership  
Centro Binacional Para el Desarrollo Indigena Oaxaqueño, Inc.  
Centro La Familia Advocacy Services, Inc.  
Coalition for Humane Immigrant Rights of Los Angeles  
Filipino American Service Group, Inc.  
Guam Communications Network  
Korean Community Center of the East Bay  
Korean Resource Center  
Latino Coalition for a Healthy California  
Libreria del Pueblo, Inc.  
Madera Coalition for Community Justice

Nana's Wish  
Pacific Islander Cancer Survivors Network  
SSG – PALS for Health  
Services, Immigrant Rights, and Education Network  
Street Level Health Project  
South Asian Network  
Time for Change Foundation  
Vision y Compromiso