



## CALIFORNIA DEPARTMENT OF AGING (CDA)

---

ACL # 13-11

### FAX Cover

**TO:** All Community-Based Adult Services (CBAS) Providers

**FROM:** CBAS Branch

**DATE:** July 9, 2013

**SUBJECT:** State Fair Hearing Penalty Payments Issued to Eligible CBAS Participants

---

This fax is being sent to provide information regarding Fair Hearing penalty payment checks that are currently being issued to eligible CBAS participants. Please share this information with participants at your center who receive a check and have questions.

**For More Information:**

Access the CDA CBAS website at:

[www.aging.ca.gov/ProgramsProviders/ADHC-CBAS/Default.asp](http://www.aging.ca.gov/ProgramsProviders/ADHC-CBAS/Default.asp)

Contact CDA at:

- ✓ Email – [CBAScda@aging.ca.gov](mailto:CBAScda@aging.ca.gov)
  - ✓ Phone – (916) 419-7546
- 

Number of pages (including this page) 2

CALIFORNIA DEPARTMENT OF AGING  
COMMUNITY-BASED ADULT SERVICES BRANCH  
1300 NATIONAL DRIVE, SUITE 200  
SACRAMENTO, CA 95834  
Internet Home Page [www.aging.ca.gov](http://www.aging.ca.gov)  
TDD 1-800-735-2929  
TEL (916) 419-7545  
FAX (916) 928-2507



Date: July 9, 2013 **ACL # 13-11**

To: Community-Based Adult Services (CBAS) Center Administrators and Program Directors

From: CBAS Branch

Subject: State Fair Hearing Penalty Payments Issued to Eligible CBAS Participants

---

**Purpose**

This letter provides information regarding State fair hearing penalty payment checks that the California Department of Social Services (CDSS) is currently issuing to eligible CBAS participants. Please share this information with those participants at your center who receive checks and have questions.

**Background  
Regarding  
Payments**

Medi-Cal rules require the State to pay penalties to Medi-Cal beneficiaries when they request fair hearings and do not receive a final decision within 90 days. The payment is known as a *Ball v. Swoap* penalty payment, after the lawsuit that generated this rule.

Over the coming weeks, CDSS will be sending penalty checks to CBAS participants who did not receive fair hearing decisions within the 90-day timeframe. The dollar amount paid is based on the number of days past the 90-day timeframe to the date the hearing decision was released, so check amounts for each participant will vary. Most of the participants who will receive checks are individuals who were found ineligible at the time of the transition from the Adult Day Health Care (ADHC) program to CBAS in 2012 and later found eligible through the fair hearing process.

For individuals receiving checks, it is important that you clarify why they are receiving the check and that the amount will NOT be counted as income or property relative to their Medi-Cal eligibility status. However, recipients must report the payment on their Medi-Cal Status Report Form (MC176S) as a "Ball Payment."

**Questions**

Questions regarding the penalty payments may be directed to CDSS Public Inquiry and Response at (800) 952-5253.

For questions about this letter, please call the CBAS Branch at (916) 419-7546 or email us at: [CBAScda@aging.ca.gov](mailto:CBAScda@aging.ca.gov).