



Disability Rights Education & Defense Fund



## **For Immediate Release**

October 22, 2018

### **Media Contacts:**

Pat McConahay, Communications Director, Disability Rights California  
(916) 504-5938, [Pat.McConahay@disabilityrightsca.org](mailto:Pat.McConahay@disabilityrightsca.org)

Rebecca Williford, Senior Staff Attorney, Disability Rights Advocates  
(510) 665-8644, [rwilliford@dralegal.org](mailto:rwilliford@dralegal.org)

Silvia Yee, Senior Staff Attorney, Disability Rights Education and Defense Fund  
(510) 644-2555, [syee@dredf.org](mailto:syee@dredf.org)

### **Blind advocates challenge state's failure to provide accessible forms of communication to blind Medi-Cal consumers**

**Berkeley, California**—A coalition of blind advocates today filed a class action lawsuit in Federal Court against the California Department of Health Care Services (DHCS) and three counties for failing to provide Medi-Cal notices in accessible formats, such as Braille. The plaintiffs are the California Council of the Blind and three individuals. Visit <https://dralegal.org/wp-content/uploads/2018/10/MediCal-complaint-accessible.pdf> or <https://www.disabilityrightsca.org/cases/hinkle-v-kent> to learn more about the case.

The complaint alleges that when blind individuals request accessible versions of Medi-Cal notices, DHCS and its county agents either fail to provide accessible versions or fail to do so in a timely manner. For example, plaintiff Lena Hinkle waited more than eight months to receive a Braille version of a Medi-Cal notice containing time-sensitive information. These delays may cause blind Medi-Cal consumers to lose their benefits.

Providing information to blind individuals in alternative formats such as Braille or large print is required by federal and California anti-discrimination laws.

To solve the problem, DHCS, counties, and Medi-Cal health plans need to (1) identify people who need communication in Braille or other accessible formats, and (2) respond appropriately to requests for accessible formats.

Judy Wilkinson, President of California Council of the Blind (“CCB”) said, “For years, CCB has advocated for Medi-Cal recipients who are blind or low vision to receive notifications in accessible formats. It is wholly unacceptable that everything from the Medi-Cal application process to notices about urgent treatment denials are still sent using printed documents to people who are blind or low vision and cannot read standard print. By filing this lawsuit, we seek to end this discrimination.”

Rebecca Williford, senior staff attorney at Disability Rights Advocates, said, “We hope with the filing of this lawsuit, that DHCS and its county agents will heed their obligations under federal and state disability rights laws. Blind Medi-Cal consumers have waited long enough for basic access to information.”

Autumn Elliott, senior counsel at Disability Rights California, said, “The harm to blind individuals who are repeatedly sent critical information that is not accessible to them is undeniable, and the law is clear that they have the right to receive such information in alternative formats. We are hopeful that DHCS and its county agents will work with us to resolve these matters quickly.”

Silvia Yee, senior staff attorney at DREDF, recalls that “over the years, blind Medi-Cal beneficiaries, stakeholders, and advocates have repeatedly raised the need for Medi-Cal communications to be consistently accessible. We hope that our lawsuit will prompt the multiple concrete changes that DHCS needs to make before Medi-Cal is fully accessible to blind persons.”

Plaintiffs seek equal access to Medi-Cal for themselves and other blind consumers. Their ultimate goal is to ensure DHCS institutes a comprehensive remedial plan to properly identify and accommodate blind Medi-Cal consumers. Plaintiffs do not seek monetary damages.

\*\*\*

**California Council of the Blind (CCB)** is a non-profit membership organization composed of Californians who are blind or have low vision. CCB’s mission is to gain full independence and equality of opportunity for all blind and visually impaired Californians. To read more about CCB visit: <http://www.ccbnet.org/>.

**Disability Rights Advocates (DRA)**, founded in 1993, is a nonprofit disability rights legal center that seeks to advance equal rights and opportunity for people with all types of disabilities nationwide. DRA represents people with all types of disabilities in complex, system-changing, class action cases. For more information, visit [dralegal.org](http://dralegal.org).

**Disability Rights California (DRC)** is a non-profit organization founded in 1978. We protect the rights of people with disabilities. Visit us at [disabilityrightsca.org](http://disabilityrightsca.org).

**The Disability Rights Education and Defense Fund (DREDF)**, founded in 1979, is a leading national civil rights law and policy center directed by individuals with disabilities and parents who have children with disabilities. DREDF engages in legal advocacy, training, education, and public policy and legislative development to ensure people with disabilities live full and independent lives free of discrimination. For more information, visit [www.dredf.org](http://www.dredf.org).