



State of California
Office of the Attorney General

ROB BONTA
ATTORNEY GENERAL

June 14, 2022

California Hospital

RE: Charity Care Obligations under California Law

Dear Sir or Madam:

California's Hospital Fair Pricing Policies law requires all hospitals to provide medical care for free or at a reduced cost if a qualifying patient cannot afford to pay for that medical treatment, and to provide written notice to patients of the availability of such "charity care."¹ This letter is a reminder to California hospitals of these obligations under state law.

My office has recently received complaints, particularly from rural and farm-working communities across the State, that hospitals are not providing charity care policy notices in a language that patients understand as required by law. Charity care policies must be provided in the language spoken by the patient if that language is spoken by 5% or more of the patients served by the hospital. (Health & Saf. Code, § 127410, subd. (a) (referring to Insurance Code § 12693.30 which incorporates the Dymally-Alatorre Bilingual Services Act); Gov. Code, § 7296.2.) These communities also report being charged for COVID-19 related treatment they cannot afford and receiving significant medical bills for COVID-related care.

As patients face high out-of-pocket costs due to complications stemming from a COVID-19 infection, they have the right to know that charity care programs exist to help families avoid financial catastrophe. Importantly, state law requires that hospitals explain the availability of these financial assistance or "charity care" programs to patients in an "understandable written policy" subject to the following requirements:²

- Notice of the hospital's charity care policy must be provided in writing—in English and in any language that is spoken by at least 5% of the patient population—to hospital patients, including for both outpatient and emergency room patients.³

¹ Health & Saf. Code, §§ 127400 – 127446.

² Health & Saf. Code, § 127405, subd. (a)(1)(A).

³ Health & Saf. Code, § 127410; *see also supra* at fn. 3.

- Per AB 532, recently signed by Governor Newsom, hospitals must provide their charity care and discount policy written notices to patients *at the time of service*—if the patient is able to receive written notice—and no later than during the discharge process or when the patient leaves the facility.⁴

California's most vulnerable patients continue to need long-term, expert, and efficient care to recover from the impacts of COVID-19. As such, it is imperative that hospitals comply with their legal obligations to provide financial assistance for qualifying patients and that information about financial assistance is made available in a language that patients can understand at the time of service.

I appreciate your immediate attention to this critical issue. Should you have any questions or concerns about these requirements, please feel free to contact Deputy Attorney General Natalie Torres at Natalie.Torres@doj.ca.gov.

Sincerely,



ROB BONTA
Attorney General

⁴ AB 532 applies to uninsured and self-pay patients. *See also* California Hospital Association, *California Hospital Association (CHA) Resources Assist Hospitals in Implementing New Laws*, CHA News (Dec. 2021), <https://calhospital.org/cha-resources-assist-hospitals-in-implementing-new-laws/>.