MODEL CALIFORNIA IMPROPER BILLING LETTER No. 2

**CALIFORNIA MEDI-CAL BENEFICIARY IS IN ORIGINAL MEDICARE (FEE FOR SERVICE) BUT HAS INCOME ABOVE 100% FPL SO IS NOT A QMB. (If you are not sure whether the client is a QMB, use this letter.)**

*Include parenthetical phrases as appropriate to client’s individual situation*

I am writing on behalf of **BENEFICIARY**, who was billed by your office for Medicare-covered services provided on **DATES**. I have attached copies of the relevant bills. [*If appropriate, add either:* ***BENEFICIARY*** *is now receiving collection notices regarding these bills, OR* ***BENEFICIARY*** *paid this bill, but should not have been charged for these services.*]

**BENEFICIARY** is a dual eligible beneficiary on both Medicare and Medi-Cal. Therefore, **BENEFICIARY** is protected by California law from any improper billing by any provider for Medicare-covered services not paid on their behalf by Medicare or Medi-Cal. This protection applies whether or not a provider is enrolled in Medi-Cal. [*If appropriate, add:* *It also does not matter whether your office has a contract with* ***BENEFICIARY’s*** *Medi-Cal plan.*] The state protection is found at Cal. Welf. & Inst. Code § 14019.4. A copy of [***BENEFICIARY’S*** *Medi-Cal card*] is attached.

This means you cannot bill **BENEFICIARY** for any deductibles, copayments or coinsurance, since the service(s) was/were covered by Medicare and **BENEFICIARY** is a Medi-Cal beneficiary.

Because continuing to bill **BENEFICIARY** would violate California law, I ask that you [*immediately return the payment collected from* ***BENEFICIARY*** *and*] cease efforts to collect on these bills and correct **BENEFICIARY’S** records to show payment in full of the referenced bills. [*In addition, please ensure that any outside collection efforts against* ***BENEFICIARY*** *cease and that* ***BENEFICIARY’S*** *credit record be corrected with all credit rating agencies.*]

[*If appropriate, add*: I have also enclosed this guidance from the California Department of Health Care Services on [payment for Medicare physician services](http://calduals.org/wp-content/uploads/2016/08/PhysToolkit_CMC-Physician-Payments-R7.pdf).]

Thank you for your cooperation in correcting these erroneous bills. If you have any questions, you may contact me at