

Winston Assists Western Center on Law & Poverty in SSI Pro Bono Lawsuit

JANUARY 21, 2011

Winston & Strawn assisted the Western Center on Law & Poverty in a pro bono matter allowing petitioners to compel the California Department of Health Care Services (CDHCS) to inform applicants for Supplemental Security Income (SSI) of their right to seek Medi-Cal coverage for the three-month period prior to their date of their SSI application, and the opportunity for these applicants to seek retroactive coverage.

On January 21, 2011, San Francisco Superior Court Judge Busch entered the stipulated order resolving this lawsuit. In exchange for the petitioners' dismissal of the claims in this suit, within the next six months, DHCS has agreed to implement the following:

- All new SSI applicants residing in California as reported by the Social Security Administration (SSA), who are not enrolled in Medi-Cal for all three months immediately prior to the month of their SSI application, will be sent a notice to inform them of the potential for retroactive Medi-Cal coverage.
- All new SSI recipients residing in California will be sent a modified notice to inform them of the potential for retroactive Medi Cal coverage and the time frame for requesting such coverage.
- DHCS will develop and issue a new All-County Welfare Director's Letter to instruct the counties regarding the new notices relating to retroactive Medi-Cal coverage.
- The All-County Letter will detail how the requests are to be processed.

The stipulated order provides that San Francisco Superior Court will retain jurisdiction of this lawsuit to rule upon petitioners' motion for attorneys' fees and litigation expenses and to award them their costs of suit. The stipulated order also allows petitioners to reopen this lawsuit in the event that DHCS does not perform the above tasks within the next six months.

Winston's representation of the petitioners was assisted by partner [Greg McConnell](#). Petitioners were also represented by attorneys at the Western Center on Law & Poverty, Neighborhood Legal Services of Los Angeles County and the Bay Area Legal Aid.

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Gregory A. McConnell