STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: California

METHODOLOGIES FOR TREATMENT OF RESOURCES
THAT DIFFER FROM THOSE OF THE SSI PROGRAM
(More Liberal Than SSI)

A resource disregard is given to an individual who has purchased a precertified long-term care insurance policy or health care service plan contract which covers long-term care and has used such policy or plan to pay for services.

Services which the individual receives and are paid for by the precertified long-term care insurance policy or health care service plan contract, which covers long-term care, must not be delivered by a member of the individual's family, unless:

- The family member is a regular employee of an organization which is providing the services; and
- The organization receives the payment for the services: and
- The family member receives no compensation other than the normal compensation for employees in his or her job category.

The amount of the disregard is equal to the lesser of the following amounts:

- the amount of payments made for services by the insurance policy; or
- the actual charge for the services.

Such disregard is in effect for the lifetime of the individual. The disregard is also allowed if a Medicaid application is filed on behalf of a deceased individual for payment of costs for care and services received by the individual during his or her lifetime.

The disregard of resources is allowed for aged, blind and disabled individuals who are otherwise eligible and:

A. Medically Needy [1902(a)(10)(C)(i)(III)], or

B. Optional Categorically Needy [1902(a)(10)(A)(ii)], except those who are included in Section 1902 (a)(10)(A)(ii) (VIII), 1902(a)(10)(A)(ii)(XI) and 1902 (a)(10)(A)(ii)(IV) who are receiving Supplemental Security Income Payments under Title XVI or a State Supplemental Payment, or

C. Who are Qualified Medicare Beneficiaries [1905 (p)].

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: California

METHODOLOGIES FOR TREATMENT OF RESOURCES
THAT DIFFER FROM THOSE OF THE SSI AND AFDC PROGRAM
(More Liberal Than SSI and AFDC As It Existed On July 16, 1996)

All of the following shall be disregarded in determining eligibility in their entirety and shall not be applied against a single $1500 limit:

(1) All of the following burial related funds:

(a) The first $1500 paid for clearly designated burial funds such as burial insurance policies with cash surrender values, revocable burial trusts, revocable burial contracts, or other revocable burial arrangements.

(b) Irrevocable burial trusts or irrevocable burial contracts, or other irrevocable burial arrangements.

(c) Burial insurance policies without cash surrender values.

(2) Life insurance policies on the life of any individual in the family shall be exempt if the combined face value of all of the policies on the insured individual is $1500 or less.

(3) All dividends and interest that accrue to and are not removed from the burial fund or policy described in (1) or (2).

The disregard of life insurance policies and burial related funds is allowed for all applicants and recipients who are otherwise eligible under California's State Plan and who are also a member of one of the following coverage groups referenced in the Social Security Act at Section 1902(r)(2):

- (a)(10)(A)(i)(III)
- (a)(10)(A)(i)(IV)
- (a)(10)(A)(i)(VI)
- (a)(10)(A)(i)(VII)
- (a)(10)(A)(ii)
- (a)(10)(C)(i)(III)
- 1905(p)

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: California

METHODOLOGIES FOR TREATMENT OF RESOURCES
THAT DIFFER FROM THOSE OF THE SSI AND AFDC PROGRAM
(More Liberal Than SSI and AFDC)

A resource disregard would be allowed equal to the amount of incurred medical bills that are unpaid in the month where there are excess resources for the entire month,

- only when payment of those medical bills occurs in a later month, and
- verification of payment is provided.

This disregard would be allowed no earlier than the month of application (may not be one of the three months prior to the month of application).

The requirements listed above would have to be met before eligibility is granted for the month throughout which the excess resources existed.

This disregard would apply only to individuals who have excess resources for the entire month but who are otherwise eligible in that month under California's State Plan and who are also a member of one of the following coverage groups referenced in the Social Security Act at Section 1902(r)(2):

- (a)(10)(A)(i)(III)
- (a)(10)(A)(i)(IV)
- (a)(10)(A)(i)(VI)
- (a)(10)(A)(i)(VII)
- (a)(10)(A)(ii)
- (a)(10)(C)(i)(III)
- 1905(p)

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: California

METHODOLOGIES FOR TREATMENT OF RESOURCES THAT DIFFER FROM THOSE OF THE SSI AND AFDC PROGRAM
(More Liberal Than SSI and AFDC)

Japanese Reparation payments made by the Canadian government shall be exempt from consideration in determining eligibility for Medi-Cal.

Japanese Reparation payments, whether made by the United States or Canadian governments shall be exempt if received by the spouse or inherited from the spouse who was the original recipient, or both.

Where Japanese Reparation payments, whether made by the United States or Canadian governments, are converted to another form, amounts of otherwise excess, nonexempt resources sufficient to ensure that the amount of the exemption equals the amount of the reparation payments received by the individual or inherited by the spouse of the individual, or both, shall not be considered as resources in determining eligibility for Medi-Cal.

These exemptions shall apply to the following coverage groups referenced in the Social Security Act at Section 1902(r)(2):

- (a)(10)(A)(i)(III)
- (a)(10)(A)(i)(IV)
- (a)(10)(A)(i)(VI)
- (a)(10)(A)(i)(VII)
- (a)(10)(A)(ii)(I)
- (a)(10)(A)(ii)(VI)
- (a)(10)(A)(ii)(VIII)
- (a)(10)(A)(ii)(IX)
- (a)(10)(A)(ii)(X)
- (a)(10)(A)(ii)(XII)
- (a)(10)(A)(ii)(XIII)
- (a)(10)(A)(ii)(XVII)
- (a)(10)(A)(ii)(XVIII)
- (a)(10)(A)(ii)(XXI)
- (a)(10)(C)(i)(III)
- 1905(p)

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State/Territory: California

METHODOLOGIES FOR TREATMENT OF RESOURCES THAT DIFFERS FROM THOSE OF THE SSI PROGRAM
(Less Restrictive Than SSI and AFDC As it Existed on July 16, 1996)

Under the optional coverage group under Section 1902(a)(10)(A)(ii)(XIII) of the Act, all retirement arrangements of the disabled individual are exempt (i.e., resources in the form of employer or individual retirement arrangements authorized under the Internal Revenue Code).

Under the optional coverage group under Section 1902(a)(10)(A)(ii)(XIII) of the Act, all retained earned income of a disabled individual that is held in a separately identified account and that is not commingled with any other resources shall be exempt from consideration as resources as permitted by Section 1902(r)(2).

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: California

METHODOLOGIES FOR TREATMENT OF RESOURCES
THAT DIFFER FROM THOSE OF THE SSI OR AFDC PROGRAM
(More Liberal Than SSI or AFDC)

In considering all of the various items of resources where the SSI program and the AFDC program have differing methodologies, the State shall follow the methodology of the least restrictive of either the SSI program or the AFDC program.

- The general rules contained in the paragraph above shall apply to determine the resource methodologies employed in consideration of all resource items unless a more specific methodology for a specific resource item is otherwise set forth and included in the State plan.

The above paragraphs apply to the resources of all applicants and recipients who are otherwise eligible under California's State Plan and who are also a member of one of the following coverage groups referenced in the Social Security Act at Section 1902(r)(2):

- (a)(10)(A)(i)(III)
- (a)(10)(A)(i)(IV)
- (a)(10)(A)(i)(VI)
- (a)(10)(A)(i)(VII) (effective 7/1/91)
- (a)(10)(A)(ii)
- (a)(10)(C)(i)(III)
- 1905(p)

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: California

METHODOLOGIES FOR TREATMENT OF RESOURCES
THAT DIFFER FROM THOSE OF THE SSI OR AFDC PROGRAM
(More Liberal Than SSI or AFDC)

The principal residence shall not be considered as a resource if any of the following circumstances exist (this is in addition to the reasons specified by the SSI program and the AFDC program):

- if a child under the age of 21 lives on the property, or
- if a dependent relative lives on the property, (for this purpose only, a disabled child age 21 or over shall be considered a dependent relative),
- if a sibling or child age 21 or over of the applicant or beneficiary has continuously resided on the property for at least one year immediately prior to the date the applicant or beneficiary entered a skilled nursing facility or intermediate care facility and continues to reside there, or
- if the property cannot be readily converted to cash but a bona fide effort is being made to sell the property. A bona fide effort to sell means that the property is listed for sale with a licensed real estate broker for its fair market value established by a qualified real estate appraiser, a good faith effort is being made to sell the property, offers at fair market value are accepted, and the applicant or beneficiary has supplied proof of compliance with these conditions to the county.

The above paragraphs apply to all applicants and recipients who are otherwise eligible under California's State Plan and who are also a member of one of the following coverage groups referenced in the Social Security Act at Section 1902(r)(2):

- (a)(10)(A)(i)(III)
- (a)(10)(A)(i)(IV)
- (a)(10)(A)(i)(VI)
- (a)(10)(A)(i)(VII) (effective 7/1/91)
- (a)(10)(A)(ii)
- (a)(10)(C)(i)(III)
- 1905(p)

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: California

METHODOLOGIES FOR TREATMENT OF RESOURCES
THAT DIFFER FROM THOSE OF THE SSI OR AFDC PROGRAM
(More Liberal Than SSI or AFDC)

The value of resources shall be disregarded when there is a bona fide, good faith effort being made to sell or liquidate the resource. The value of the resource shall be disregarded for as long as the bona fide good faith effort to sell or liquidate continues to be made. This methodology is essentially the same as the methodology applied to resources being sold or liquidated in the eligibility determinations of the SSI and AFDC program, however, since there is no conditional eligibility in the Medicaid program, the applicant/beneficiary shall not be required to sign, as a condition of eligibility, a statement agreeing to make repayment upon the sale of the property.

The above paragraph applies to all applicants and recipients who are otherwise eligible under California's State Plan and who are also a member of one of the following coverage groups referenced in the Social Security Act at Section 1902(r)(2):

- (a)(10)(A)(i)(III)
- (a)(10)(A)(i)(IV)
- (a)(10)(A)(i)(VI) (effective 4/1/90)
- (a)(10)(A)(i)(VII) (effective 7/1/91)
- (a)(10)(A)(ii)
- (a)(10)(C)(i)(III)
- 1905(p)

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: California

METHODOLOGIES FOR TREATMENT OF RESOURCES
THAT DIFFER FROM THOSE OF THE SSI OR AFDC PROGRAM
(More Liberal Than SSI or AFDC)

One motor vehicle per budget unit shall be exempt regardless of value or use.

The above paragraph applies to all applicants and recipients who are otherwise eligible under California's State Plan and who are also a member of one of the following coverage groups referenced in the Social Security Act at Section 1902(r)(2):

- (a)(10)(A)(i)(III)
- (a)(10)(A)(i)(IV)
- (a)(10)(A)(i)(VI) (effective 4/1/90)
- (a)(10)(A)(i)(VII) (effective 7/1/91)
- (a)(10)(A)(ii)
- (a)(10)(C)(i)(III)
- 1905(p)

STATE PLAN UNDER TITILE XIX OF THE SOCIAL SECURITY ACT

State/Territory: California

METHODOLOGIES FOR TREATMENT OF RESOURCES
THAT DIFFER FROM THOSE OF THE SSI PROGRAM AND
THE AFDC PROGRAM AS IT EXISTED ON JULY 16, 1996
(More Liberal Than SSI or AFDC)

Excludable restitution payments made to a holocaust victim or his or her heirs or beneficiaries shall be considered an exempt resource for the purpose of determining eligibility to receive Medi-Cal benefits or the amounts of those benefits.

A "holocaust victim" is a person who was persecuted by Nazi Germany, any other Axis regime, or any other Nazi-controlled or Nazi-allied country:

(1) on the basis of race, religion, physical or mental disability, or sexual orientation;
(2) during any period before, during or after.

An "excludable restitution payment" is any payment or distribution, recovered or returned asset or property, received directly by a holocaust victim or heirs or beneficiaries of a holocaust victim:

(1) as compensation pursuant to the German Act Regulating Unresolved Property Claims, as amended (Gesetz zur Regelung offener Vermogensfragen);
(2) as a result of a settlement of claims against any entity or individual for any recovered asset. A "recovered asset" is any asset of any type, including any bank deposits, insurance proceeds, artwork, or interest earned on any of these assets, owned by a holocaust victim, withheld from that holocaust victim or his or her heirs or beneficiaries and recovered, returned or otherwise compensated to the holocaust victim or his or her heirs or beneficiaries;

(3) as a payment or restitution provided by law, or by a fund, established by any foreign country, the United States of America, or any other foreign or domestic entity, or as a result of a final resolution of a legal action;
(4) as a direct or indirect return of, or compensation or reparation for, assets stolen or hidden from, or otherwise lost to, the individual before, during or immediately after World War II, including any insurance proceeds under policies issued on the individual by European insurance companies immediately before and during World War II; or
(5) as interest, payable as part of any payment or distribution described in the paragraph.

These exemptions shall apply to the following coverage groups referenced in the Social Security Act at Section 1902r(2):

- (a)(10)(A)(i)(III)
- (a)(10)(A)(i)(IV)
- (a)(10)(A)(i)(VI)
- (a)(10)(A)(i)(VII) (effective 7/1/91)
- (a)(10)(A)(ii)
- (a)(10)(C)(i)(III)
- 1905(p)

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State/Territory: California

METHODOLOGIES FOR TREATMENT OF RESOURCES THAT DIFFERS FROM THOSE OF THE SSI PROGRAM
(Less Restrictive Than SSI and AFDC As it Existed on July 16, 1996)

All resources exempted from consideration as resources for individuals in the optional coverage group under section 1902(a)(10)(A)(ii)(XIII) of the Act on the basis that they are employer or individual retirement arrangements authorized under the Internal Revenue Code shall continue to be exempt from consideration as resources in all other coverage groups subject to the provisions of 1902(r)(2) under which the individual later becomes eligible for medical assistance where the basis for that eligibility is the individual's age, blindness, or disability.

These exemptions shall apply to the following coverage groups referenced in the Social Security Act at Section 1902(r)(2):

- 1902(a)(10)(A)(ii)(I)
- 1902(a)(10)(A)(ii)(X)
- 1902(a)(10)(C)(i)