STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY

GRAY DAVIS, *Governor*

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May 8, 2000

TO: All County Welfare Directors
All County Administrative Officers
All County Medi-Cal Program Specialists/Liaisons
All County Public Health Directors
All County Mental Health Directors

Letter No.: 00-34

DRAFT REGULATIONS FOR SECTION 1931(b)

Ref.: All County Welfare Directors Letter Nos. 98-43, 99-02, 99-18, 99-20, and 99-56

This letter is to provide counties with a draft of the program regulations for the Section 1931(b) program. This regulation package also contains some corrections, deletions, and additions to other sections.

Draft regulations on income and property have already been provided in All County Welfare Directors Letter No. 98-43.

If you have any questions, please contact Ms. Margie Buzdas of my staff at (916) 657-0726.

Sincerely,

ORIGINAL SIGNED BY
GLENDA ARELLANO

Angeline Mrva, Chief
Medi-Cal Eligibility Branch

Enclosure

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(2) Adopt Section 50025.7 to read:

Section 50025.7 – California Work Opportunities and Responsibility for Kids (CalWORKs) Program

(a) The CalWORKs program replaced the AFDC public assistance program on January 1, 1998 and provides a cash grant and Medi-Cal to children deprived of parental support or care and their eligible relatives.

(b) Any reference in Subdivision 1 (California Medical Assistance Program) which references AFDC other than AFDC-Foster Care, after the above date means the CalWORKs program.

NOTE: Authority cited: Section s 10725 and 14124.5.
Reference: Section 161 of AB 1542 (Chapter 270, Statutes of 1997) 11201, 11266.5, 11454.5, Welfare and Institutions Code, The Personal Responsibility and Work Opportunity Reconciliation act of 1996 (Public Law 104-193).

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(3) Amend Section 50026 to read:

Section 50026. Cash Grant

Cash grant means the money payment made to a person eligible for AFDC - Foster Care, ~~EVH,~~ CalWORKs, or SSI/SSP.

NOTE: Authority Cited: Sections 10725 and 14124, Welfare and Institutions Code. Reference: Sections 11201, 11266.5, 11454.5, 14005.1, and 14050.1, Welfare and Institutions Code. AB 1542 (Chapter 270, Statutes of 1997) Welfare and Institutions Code, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

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(4) Adopt Section 50039.1 to read:

Section 50039.1 Essential Person

Notwithstanding Section 50211 (c)(3), a stepparent with no deprived children may be eligible for Section 1931(b) based on his/her spouse's deprived separate children.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 161 of AB 1542 (Chapter 270, Statutes of 1997) 11201, 11203, 11266.5, 11454.5, 14005.30, Welfare and Institutions Code, 42 United States Code 606(a) and (b); 45 CFR 206.10(a)(1)(vii) and (a)(2)(I), 45 CFR 233.20(a)(2)(vi), and 45 CFA 237.50(b)(3)(I) and (b)(4)(I). The Personal Responsibility and Work Opportunity Reconciliation Act of 1997 (Public Law 104-193). Section 1396u-1, 42 United States Code.

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(5) Amend Subsection 50071(f) to read:

Section 50071 Persons Living in the Home

(f) An 18 to 21 ~~unmarried~~ minor parent living on the parent's property shall not be considered to be living in the parent's home if both of the following conditions exist:

(1) The 18 to 21 year old or ~~unmarried~~ minor parent does not receive any support from the parents.

(2) The building the 18 to 21 year old ~~unmarried~~ minor ~~parents~~ parent lives in would be considered other real property of the parents.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 14005.4, 14005.7, 14008, and 14051 Welfare and Institutions Code

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(6) Amend Subsection 50153(c) to read:

(c) A person or family may choose, subject to limitations in federal law, to have their application processed under any program for which they are eligible even if ~~such~~ the program is not the most advantageous.

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 435 Subparts B, C, and D, Code of Federal Regulations, Section 1396a (a) (10)(A)(ii) and (C), 42 United States Code.

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(7) Amend Section 50201 to read:

50201. Medi-Cal Programs – General

(a) A person or family may be eligible for Medi-Cal under one of the following programs.

(1) Aid to Families with Dependent Children - Foster Care (AFDC-FC).

(1) California Work Opportunity and Responsibility to Kids (CalWORKs).

~~(2)~~ (3) Supplemental Security Income/State ~~Supplemental~~ Supplementary Program (SSI/SSP)

~~(3)~~ (4) Other Public Assistance (Other PA)

(5) Section 1931(b)

~~(4)~~ (6) Medically Needy (MN)

~~(5)~~ (7) Medically Indigent

~~(6)~~ (8) Miscellaneous Special Programs

~~(7)~~ (9) Medi-Cal Special Programs

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 161 of AB 1542 (Chapter 270, Statutes of 1997) 11201, 11266.5, 11454.5, 14005.30, 14142, and 14145, Welfare and Institutions Code. The Personal Responsibility and Work Opportunity Reconciliation Act of 1997 (Public Law 104-193). Section 1396u-1, 42 United States Code.

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(8) Adopt Section 50226 to read:

Section 50226 – Section 1931(b) Program

(a) Eligibility Criteria: To receive Medi-Cal benefits under this program, the family or individual shall meet one of the requirements in (1) through (4) below and meet all of the requirements in (5) through (7) below.

(1) Be receiving CalWORKs.

(2) Be part of a family who is receiving CalWORKs benefits, whose income and resources are counted by that program, but is not eligible, is no longer eligible, or does not chose to apply for CalWORKs and

(A) Meets the deprivation requirements as described in Section 50205 or

(B) Meets the definition of an essential person as described in Section 50039.1 or

(C) Notwithstanding Section 50085, is a caretaker relative of a deprived minor child when the adult parent is also in the home.

(3) Notwithstanding Section 50030 (a), be a parent or caretaker of a deprived child

(4) or be a deprived child living in the home who has not attained age 18 and:

(A) The child is less than 19 years of age and is attending high school or the equivalent level of vocational or technical training on a full-time basis and

(B) The child can reasonably be expected to complete the educational or training program before his/her 19th birthday or

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(C) Is a married minor under the age of 18 who has a deprived child, and is not living with his/her parents

(5) Notwithstanding Section 50030(b), be a parent of a deprived child or a woman in her last four months of pregnancy with no other deprived children in the home and the unborn, if born, would be considered deprived.

(6) Meet the income requirements for Section 1931(b) as described in Article 10 and

(7) Meet the property requirements for Section 1931(b) as described in Article 9.

(8) Meet the Medical Family Budget Unit (MFBU) requirements described in the Responsible Relative and Unit Determination under Article 8 except:

(A) If the minor parent is living with the senior parent and he/she is age 18.

(B) If the person is 18 years of age or older but under 21, and the parent claims the person as a dependent in order to receive a tax credit or deduction for state or federal income tax purposes.

(C) Notwithstanding Section 50030(b), the unmarried parent or spouse of woman in the last four months of pregnancy with no other deprived children in the home is an ineligible member of the MFBU until the baby is born.

(b) Period of Eligibility: Eligibility for the Section 1931(b) program shall be determined in accordance with Sections 50701, 50703, and 50710.

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(c) Benefits: Persons eligible for Section 1931(b) may qualify for either full scope zero share of cost benefits or emergency and pregnancy related benefits only as defined in Article 7. Persons terminated from Section 1931(b) who meet the eligibility criteria for the Four Month Continuing or Transitional Medi-Cal programs, may receive either full scope zero share of cost benefits or emergency and pregnancy related benefits under those programs.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 161 of AB 1542 (Chapter 270, Statutes of 1997) 11201, 11203, 11253, 11266.5, 11454.5, 14005.30, Welfare and Institutions Code. The Personal Responsibility and Work Opportunity Reconciliation Act of 1997 (Public Law 104-193). Section 1396u-1, 42 United States Code.