TATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

PETE WILSON, *Governor*

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TO: All County Welfare Directors
All County Administrative Officers
All County Medi-Cal Program Specialist/Liaisons

Letter No.: 95-11

QUESTIONS AND ANSWERS REGARDING CHILDREN IN AID CODE 45

The following are questions and answers regarding children receiving Medi-Cal under aid code 45. These children are not living with a parent or relative and a public agency is assuming financial responsibility in whole or in part as defined in Section 50251(a)(3) of the California Code of Regulations. These are children that are not eligible for federal or state only foster care under aid codes 40 and 42 or Emergency Assistance under 4K or 5K.

Question 1: If a person is between 18 and 21 years old and a public agency is assuming financial responsibility, may the agency apply for him/her by using the shorter MC 250 Statement of Facts?

Answer 2: No. According to the Medi-Cal Eligibility Procedures Manual (8C-2), a person 18 to 21 is considered an adult even though a public agency is assuming financial responsibility; therefore, the person must apply using the regular Statement of Facts (MC 210) per Section 50014. Any income and property of the person is considered when determining eligibility. We are considering changing this since these persons are not usually independently handling their affairs; however, until this change is completed, counties should continue to follow current regulations and procedures.

Question 2: If a child has enough income or property to meet his/her own needs (placement costs or personal needs, etc.) without any financial assistance from a public agency, e.g., they receive monthly income from the Social Security Administration, however, they are under the care and control of the agency, should the county report them to Medi-Cal Eligibility Data System (MEDS) under aid code 45?

Answer 2: No. If the public agency is only administering the child's income or property and does not support the child financially, the child should be reported to MEDS under aid code 82 or 83. The agency should fill out the regular MC 210 and the county will determine eligibility based on the child's income and property.

Question 3: If a child has no income or property but the public agency is not providing any financial assistance such as when the child is placed in a prospective adoptive home and the potential parents have waived financial support, should the child be reported to MEDS under aid code 45.

Answer 3: No. Similar to Answer 3, since the county is not providing any financial assistance, the child should be reported to MEDS under aid code 82. The public agency should fill out the MC 210. NOTE: The income and property of the prospective adoptive parents is not used to determine eligibility until the adoption is final (Section 50068).

Question 4: Is a child who does not have satisfactory immigration status but is under the care of a public agency eligible for full benefits under aid code 45?

Answer 4: No. However, counties may seek permanently residing in the United States under color of law (PRUCOL) status for these children in accordance with All County Welfare Directors Letter No. 92-48. If otherwise eligible, the county may place the child in aid code 45 pending the Immigration and Naturalization Service response to the Systematic Alien Verification for Entitlements inquiry. If PRUCOL is granted, the child may remain in aid code 45. If PRUCOL is denied, the child must be placed in aid code 58.

Question 5: Is a child living with a relative other than a parent eligible for aid code 45 since he/she may receive Medi-Cal automatically under aid code 40 or 42 while in this living situation?

Answer 5: No. Aid code 45 is only for children who are not living with a parent or relative. However, the child could be aided through the Medically Needy Program (aid code 34 or 37) and the relative could be linked if he/she were otherwise eligible.

Question 6: Are children in board and care facilities for the developmentally disabled entitled to Medi-Cal under aid code 45 while awaiting Supplemental Security Income?

Answer 6: No. Although the regional center may be providing financial assistance, unless the court has appointed them as conservator, guardian, or executor to act on the child's behalf, the county should report the child to MEDS as Medically Needy (24, 64, etc.) or Medically Indigent (82). The parents should fill out the MC 210, if they are still financially responsible for this child.

Question 7: May providers bill for services rendered to a newborn child on the natural mother's Medi-Cal card prior to issuance of aid code 45 or an Aid to Families with Dependent Children-Foster Care aid code if it is presented by the public agency or foster parent?

Answer 7: Yes. Infants are eligible for shared mother/child card coverage during the month of birth and the following month (Section 50732).

Question 8: If a child who is receiving Medi-Cal under aid code 45 is released from the public agency to his parent's or relative's home, does his eligibility continue under this aid code until the end of that month?

Answer 8: Yes. Similar to other Medi-Cal programs, eligibility will continue throughout that month.

Question 9: Are children who need medical attention eligible for aid code 45 if they have been arrested and are under a penal hold (including Section 602)?

Answer 9: No, not unless a public agency already had financial responsibility for the child. If medical assistance is needed prior to booking, the child may be eligible for Medi-Cal under other appropriate aid codes. If the child is in jail awaiting disposition, the child is not eligible. If the disposition order dismisses the 602 charge and the child is awaiting placement in foster care, the child may be eligible for Medi-Cal under aid code 45.

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

Sincerely,

ORIGINAL SIGNED BY

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch