STATE OF CALIFORNIA–HEALTH AND HUMAN SERVICES AGENCY

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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.: 99-37

NEW DEFINITION OF APPLICANT AND RECIPIENT FOR THE SECTION 1931 PROGRAM

Ref.: All County Welfare Directors Letter 98-43

This All County Welfare Directors Letter (ACWDL) provides instruction to counties regarding the applicability of the $240 and one-half deduction to persons being evaluated for "retroactive eligibility" for the Section 1931 program pursuant to Sections 50148 and 50710 of Title 22 of the California Code of Regulations.

BACKGROUND

As provided in ACWDL 98-43 the Section 1931 program's $240 and one-half deduction can only be applicable after the family first qualifies for the Section 1931 program without this deduction. ACWDL 98-43 used the terms "applicant" and "recipient" to distinguish between persons not eligible, or eligible, respectively, for the $240 and one-half deduction. Per ACWDL 98-43, applicants, individuals applying for Medi-Cal (who had not been "on" Medi-Cal or California Work Opportunity and Responsibility to Kids (CalWORKs) in any of the previous four months) could not get the $240 and one-half deduction. After such an applicant passed the Section 1931 income eligibility test for applicants (in which the $240 and one-half deduction was not applicable), they became a recipient, and received the benefit of the $240 and one-half deduction against certain kinds of income.

ACWDL 98-43 also provided that if an applicant family had been "on" Section 1931 or CalWORKs (that is had been, with respect to the month of application, previously determined eligible for either of these programs in the month in which they were "on" these programs) in any of the four months previous to the month in which they were applying for Medi-Cal-only Section 1931 benefits, the family members were treated as recipients in the month of application, and hence subject to the $240 and one-half deduction.

RETROACTIVE ELIGIBILITY AND THE $240 AND ONE-HALF DEDUCTION

If a family applying for Medi-Cal requests retroactive Medi-Cal eligibility: apply the same rules discussed in ACWDL 98-43 and above when determining whether a family will be treated as applicants or recipients for purposes of applying the $240 and one-half deduction to a family in the retroactive months. This is to say that once a person or family passes the applicant test (becomes eligible for the Section 1931 program without the $240 and one-half deduction) in a retroactive month, they become recipients, and subject to the $240 and one-half in each successive retroactive month and the month of application. In addition, the family are recipients (and subject to the $240 and one-half deduction) in a retroactive month if they were previously "on" Section 1931 or CalWORKs in any of the four months previous to that retroactive month.

Note: If an applicant is being evaluated for retroactive eligibility under Section 1931, the county must first determine whether the family can pass the applicant test in the earliest month for which the family has requested retroactive eligibility. If the family cannot, the county must proceed to the next retroactive month and determine whether the family can pass the applicant test for that month, and so on until the county has evaluated the family's Section 1931 eligibility for all the retroactive months for which Medi-Cal eligibility was requested.

LATE REQUESTS FOR RETROACTIVE ELIGIBILITY

Applicants for Medi-Cal who submit a request for retroactive Medi-Cal eligibility at any time previous to the date the county completes their eligibility determination will be subject to the rules described in the above section of this ACWDL. For applicants for Medi-Cal who submit a request for retroactive Medi-Cal eligibility after the date the county completes their eligibility determination, counties will follow the instructions below.

Beneficiaries are entitled to request and be evaluated for retroactive eligibility for any month (within the three-month retroactive period) that is within the prior 12 month-period starting from the month in which retroactive Medi-Cal eligibility is requested pursuant to Sections 50148 and 50710 (of Title 22 of the California Code of Regulations). For example, a family that applies in January but who waits until November to request retroactive Medi-Cal must be evaluated for retroactive eligibility for the month of December (assuming they meet the requirements of Sections 50148 and 50710), but not October or November because the latter two months are not within the 12-month period.

If the family is found to be eligible for the Section 1931 program during any month within the three-month retroactive period that is within the 12-month period described in the above paragraph, beginning the month after the month in which the family requested retroactive Medi-Cal benefits, evaluate the family for eligibility in the Section 1931 program as recipients. If the family fails to qualify for the Section 1931 program in that month, they will not be revaluated for eligibility for the Section 1931 program as recipients in later months unless a later month falls within the four-month period from the latest month in the retroactive period in which the family was determined to be retroactively eligible pursuant to Sections 50148 and 50710. The family's Medi-Cal program status through the period for which they were previously determined eligible for another Medi-Cal program (i.e., from the month of application through the month in which the family requested retroactive Medi-Cal eligibility) will not change as a result of a retroactive eligibility determination pursuant to Sections 50148 and 50710.

Example, a family applies for Medi-Cal in January 1999. They do not request retroactive eligibility. In February 1999, the county determines that the family is eligible for the Medically Needy (MN) program with a SOC. In November 1999 the family requests retroactive Medi-Cal eligibility pursuant to Sections 50148 and 50710. The county determines that the family can retroactively pass the Section 1931 applicant test for the retroactive month of December 1998. (The family is not eligible for consideration for retroactive eligibility for October or November of 1998 because these two months are more than 12 months previous to the month in which retroactive eligibility was requested.)

Because the family was determined retroactively eligible for the Section 1931 program in a retroactive month pursuant to Sections 50148 and 50710, the county will evaluate the family for Section 1931 eligibility for December 1999 as recipients, applying the $240 and one-half deduction to their qualifying income. If the family does not qualify for the Section 1931 program in December 1999, and if the family is evaluated for Section 1931 eligibility in a subsequent month, they will have to pass the applicant test in that subsequent month. The family does not get a retroactive evaluation or re-evaluation of eligibility for any months outside of the three-month retroactive period.

Caveat 1: The definition of recipient in this ACWDL is applicable only for purposes of determining whether the $240 and one-half deduction is applicable to a family. The definition of recipient in this ACWDL is not to be used for purposes of determining whether the unemployment deprivation requirement is waived.

Caveat 2: This ACWDL does not apply to "look back" cases, and the rules for lookback cases supersede any conflicting rules in this ACWDL. Look back cases are defined as families who had been determined Medi-Cal eligible in past months in a Medi-Cal program other than the Section 1931 program and who would have been determined eligible for Section 1931 in those past months but for the fact that the Section 1931 program was not implemented on January 1, 1998.

Please direct questions regarding this ACWDL to Mr. Dave Rappolee of my staff at (916) 657-0163.

Sincerely,

ORIGINAL SIGNED BY

ANGELINE MRVA, Chief
Medi-Cal Eligibility Branch