

DEPARTMENT OF HEALTH SERVICES

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August 9 1995

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL LETTER NO.: 146

TO: All Holders of the Medi-Cal Eligibility Procedures Manual

REVISIONS TO THE MEDI-CAL ELIGIBILITY PROCEDURES MANUAL--ARTICLE 6

Enclosed are revisions to Article 6, Institutional Status, of the Medi-Cal Eligibility Procedures.

<u>Procedure Revision</u>	<u>Description</u>
Article 6	Revisions of this Article are due to clarifications in policy.

Filing Instructions:

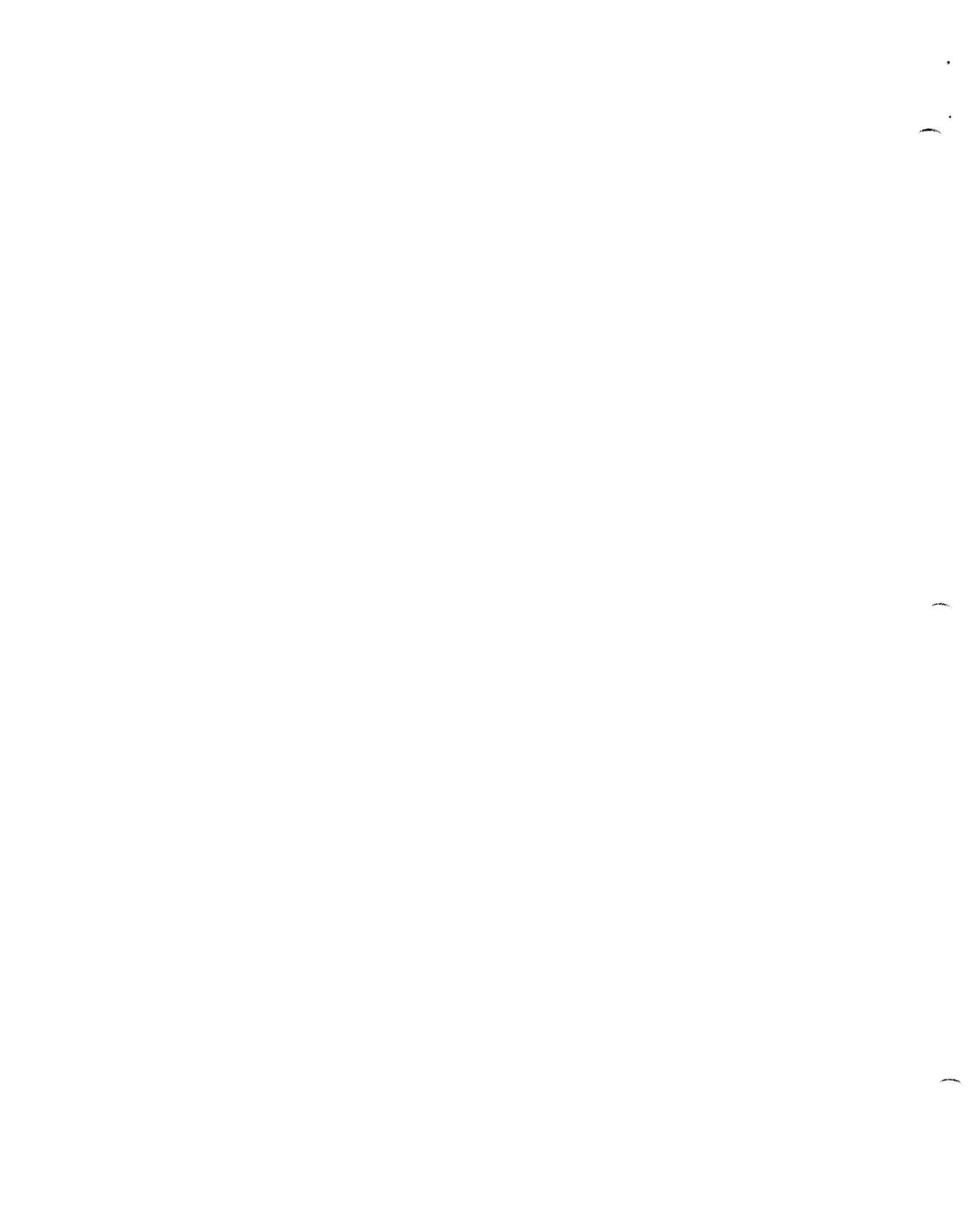
<u>Remove Pages</u>	<u>Insert Pages</u>
Article 6 Table of Contents	Article 6 Table of Contents
Pages 6A-1 through 6F-1	Pages 6A-1 through 6F-1

If you have any questions concerning a specific revision, please contact Ms. Elera Lara at (916) 657-0712.

Sincerely,

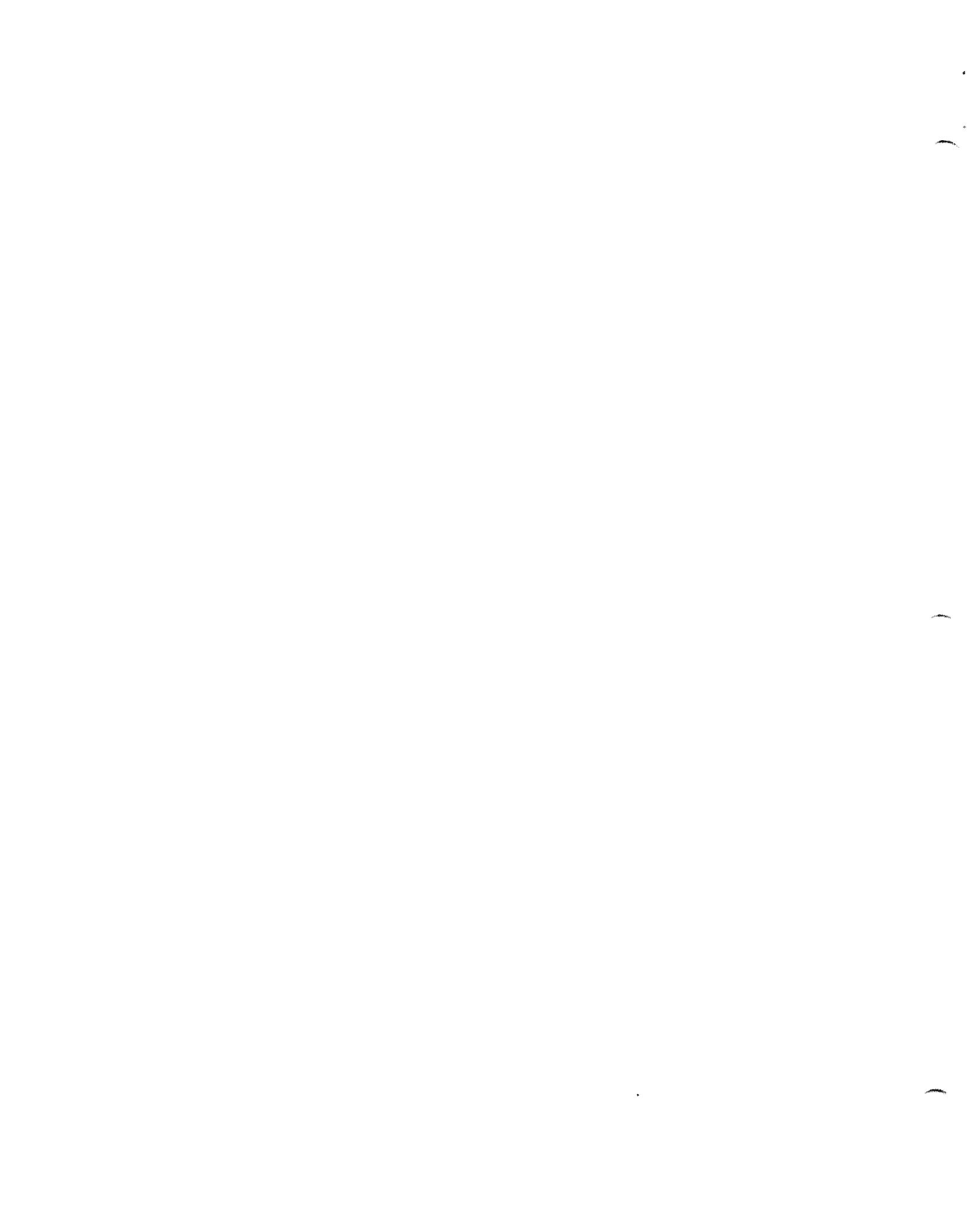
Frank S. Martucci
Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Enclosures



MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

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6A-INTRODUCTION

1. PURPOSE

Federal Medicaid regulations prohibit federal financial participation (FFP) for certain individuals due to institutional status. Medi-Cal is not available to an inmate of a public institution. This article will distinguish for both adults and juveniles who is an inmate of a public institution for purposes of Medi-Cal eligibility.

2. BACKGROUND

42 United States Code (U.S.C.) Section 1396d(a)(24)(A) and 42 Code of Federal Regulation (CFR) Section 435.1008(a)(1) state that Federal Financial Participation (FFP) is not available in expenditures for services provided to individuals who are inmates of public institutions. 42 CFR Section 435.1009 states that an inmate of a public institution is a person who is living in a public institution.

Under new federal guidelines from the Health Care Financing Administration (HCFA), dated January 13, 1992, to the Director of the Arizona Health Care Cost Containment System, the term "inmate of a public institution" was further defined for purposes of Medicaid eligibility under Title XIX of the Social Security Act (SSA). The guidelines clarify that an individual is considered an "inmate of a public institution" from the date of actual incarceration in a prison, county, city or tribal jail until permanent release, bail, probation or parole.

Under the Social Security Act (SSA) Section 1905(a)(24)(A) and (B), Medi-Cal is not available for any individual under age 65 in an institution for mental diseases (IMD), but is available for inpatient psychiatric services for individuals under age 21 and up to age 22 if the services were begun prior to the 21st birthday.

For persons between 21 (or under certain conditions 22) and 65 years of age who are inmates of a mental institution, the state or county mental health system is responsible. For persons of any age who are detained under the penal system, the responsible third party is the penal institution or administration who retains authority over the individual. Under Section 4011.1 of the Penal Code a county may choose to cover prisoners under the county medical program; however, such coverage is optional. If a county does not choose to cover prisoners, the medical provider must collect directly from the penal authority, i.e., city jail for city prisoners, county jail or sheriff's office for county prisoners, etcetera.

3. NOTICES OF ACTION

Since Title 22, California Code of Regulations (CCR), Section 50273, precludes Medi-Cal eligibility for certain institutionalized individuals from the date of entry into an institution through the date of release, a ten-day Notice of Action (NOA) is not required prior to discontinuance as discontinuance due to entry into an institution is not considered an adverse action (Title 22, CCR, Section 50015). County welfare departments should immediately discontinue individuals found to be institutionalized with an appropriate NOA and request return of the Medi-Cal card.

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4. IMPLEMENTATION

The new HCFA guidelines which clarified the federal statute were sent to all county welfare departments on July 7, 1993. A retroactive period of one year previous to this date was granted for any case which resulted in a wrongful denial of Medi-Cal eligibility based upon institutional status. This would include any case wherein the final determination of ineligibility was made during the time period July 7, 1992 until July 7, 1993.

5. CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 50273

§ 50273. Medi-Cal Ineligibility Due to Institutional Status.

(a) Individuals who are inmates of public institutions are not eligible for Medi-Cal: The following individuals are considered inmates of a public institution:

(1) An individual in a prison, or a county, city, or tribal jail.
(2) An individual in a prison or jail: Prior to arraignment, prior to conviction, or prior to sentencing.

(3) An individual who is incarcerated, but can leave prison or jail on work release or work furlough and must return at specific intervals.

(4) Individuals released from prison or jail due to a medical emergency who would otherwise be incarcerated but for the medical emergency. Institutional status of such persons is not affected by transfer to a public or private medical facility.

(5) A minor in a juvenile detention center prior to disposition (judgement) due to criminal activity of the minor.

(6) A minor, after disposition, placed in a detention or correctional facility, including a youth ranch, forestry camp, or home which is part of the criminal justice system.

(7) A minor placed on probation by a juvenile court on juvenile intensive probation with specific conditions of release, including residence in a juvenile detention center.

(8) A minor placed on probation by a juvenile court on juvenile intensive probation to a secure treatment facility contracted with the juvenile detention center if the secure treatment facility is part of the criminal justice system.

(9) Individuals between the ages of 21-65 who are in an institution for mental disease shall be considered inmates of a public institution until they are unconditionally released.

(b) Ineligibility for individuals classified as inmates in (a) begins on the day institutional status commences and ends on the day institutional status ends.

(c) The following individuals are not considered inmates of a public institution and shall be eligible for Medi-Cal provided that all other requirements for eligibility set out in this chapter are satisfied:

(1) An individual released from prison or jail on permanent release, bail, own recognizance (OR), probation, or parole with a condition of:

- (A) Home arrest;
- (B) Work release;
- (C) Community service;
- (D) Outpatient treatment;
- (E) Inpatient treatment.

(2) An individual who, after arrest but before booking, is escorted by police to a hospital for medical treatment and held under guard.

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(3) An individual in prison or jail who transfers temporarily to a half-way house or residential treatment facility prior to a formal probation release order.

(4) An individual released from prison or jail under a court probation order due to a medical emergency.

(5) A minor in a juvenile detention center prior to disposition (judgment) due to care, protection or in the best interest of the child (e.g., Child Protective Services) if there is a specific plan for that person that makes the stay at the detention center temporary. This would include those juveniles awaiting placement but still physically present in juvenile hall.

(6) A minor placed on probation by a juvenile court on juvenile intensive probation with home arrest restrictions.

(7) A minor placed on probation by a juvenile court on juvenile intensive probation to a secure treatment facility contracted with the juvenile detention center if the secure treatment facility is not part of the criminal justice system.

(8) A minor placed on probation by a juvenile court on juvenile intensive probation with treatment as a condition of probation:

(A) In a psychiatric hospital;

(B) In a residential treatment center;

(C) As an outpatient.

(9) Individuals released from an institution for mental diseases or transferred from such an institution to a public or private medical facility.

(10) Individuals on conditional release or convalescent leave from an institution for mental diseases.

(11) Individuals under age 22 who are patients in an institution for mental disease, were institutionalized prior to their 21st birthday, and continue to receive inpatient psychiatric care.



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6B—PUBLIC INSTITUTION

1. DEFINITION

Public (non-medical) institution means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

2. NOT INCLUDED IN PUBLIC INSTITUTION

The following facilities are not public institutions and FFP is possible:

- a medical institution;
- an intermediate care facility;
- a publicly operated community residence that serves no more than 16 residents; or
- a child care institution:
 - for children who receive foster care payments under Title IV-E of SSA;
 - for children who receive AFDC-foster care under Title IV-A of SSA;
 - that accommodates no more than 25 children;
- an institution for the mentally retarded or persons with related conditions (chronic disability attributable to cerebral palsy or epilepsy or any other condition other than mental illness closely related to mental retardation);
- a community care facility (H&S Code, Sec. 1502): Any facility, place, or building which is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. FFP is possible.
 - Residential Facility - family home, or group care facility for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for protection of individual.
 - Adult Day Care Facility - provides nonmedical care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for protection of individual on less than 24-hour basis.
 - Therapeutic Day Services Facility - provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than 24-hour basis to persons 18 years or under who would otherwise be placed in foster care or are returning to family from foster care.

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- Foster Family Home - residential facility which provides 24-hour care for six or fewer foster children and is the residence of the foster parent or parents, including their family.
 - Small Family Home - residential facility which provides 24-hour care to six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. This home can also accept children without special health care needs.
 - Social Rehabilitation Facility - a residential facility which provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling.
 - Community Treatment Facility - residential facility which provides mental health treatment services to children in a group setting.
3. The following facilities may be publicly operated community residences that serve no more than 16 residents, but they are not eligible for FFP:
- residential facilities located on the grounds of or adjacent to any large institution (no FFP);
 - correctional or holding facilities for prisoners or individuals being held under court order as witnesses or juveniles (no FFP);
 - detention facilities, forestry camps, training schools or any other facility for children determined to be delinquent (no FFP); or,
 - educational or vocational training institutions that provide an accredited program for its residents (no FFP).

[NOTE: Persons who reside in public institutions in order to receive educational or vocational training provided by the facility (e.g., a state school for the blind) are not considered to be "inmates" of public institutions and are therefore entitled to Medi-Cal coverage if they are otherwise eligible.]

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6C-- INMATES OF A PUBLIC INSTITUTION

Counties must consider both the facility and the person's circumstances when making a Medi-Cal determination of eligibility for either a juvenile or an adult who is incarcerated or placed in any type of public institution. In making these determinations, follow the guidelines below as well as the chart in Section 6E:

1. **THE FOLLOWING ARE CONSIDERED INMATES OF A PUBLIC INSTITUTION (ADULT OR JUVENILE) AND ARE NOT ELIGIBLE FOR MEDI-CAL:**

- a. An inmate in a prison;
- b. An inmate of a county, city, or tribal jail; or,
- c. An inmate in a prison or jail:
 - Prior to arraignment;
 - Prior to conviction; or,
 - Prior to sentencing.

Unless they are out on bail or own recognizance (OR).

- d. An individual who is incarcerated, but can leave prison or jail on work release or work furlough and must return at specific intervals.
- e. Individuals released from prison or jail due to a medical emergency who would otherwise be incarcerated but for the medical emergency.
- f. A minor in a juvenile detention center prior to disposition (judgment) due to criminal activity of the minor.
- g. A minor, after disposition, placed in a detention or correctional facility, including a youth ranch, forestry camp, or home which is part of the criminal justice system.
- h. A minor placed on probation by a juvenile court on juvenile intensive probation with specific conditions of release, including residence in a juvenile detention center.
- i. A minor placed on probation by a juvenile court or on juvenile intensive probation to a secure treatment facility contracted with the juvenile detention center if the secure treatment facility is part of the criminal justice system.

2. **THE FOLLOWING ARE NOT INMATES OF A PUBLIC INSTITUTION AND ARE ELIGIBLE FOR MEDI-CAL:**

- a. An individual who, after arrest but before booking, is escorted by police to a hospital for medical treatment and held under guard.
- b. An individual in prison or jail who transfers temporarily to a halfway house or residential treatment facility prior to a formal probation release order.

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- c. An individual released from prison or jail on probation, parole, or release order; with a condition of:
- home arrest;
 - work release;
 - community service;
 - outpatient treatment; or,
 - inpatient treatment.
- d. Individuals released from prison or jail under a court probation order due to a medical emergency.
- e. Individuals who are patients in an institution for mental diseases (IMD) are immediately eligible for Medi-Cal upon transfer or discharge to a medical facility certified under Title XIX of the Social Security Act if they are otherwise eligible. This would include periods of conditional release or convalescent leave from the IMD.
- f. Juveniles between the ages of 21-22 in an IMD who were institutionalized prior to their 21st birthday will be eligible until they reach their 22nd birthday, as long as they remain continuously institutionalized and continue to receive inpatient psychiatric care.
- g. A minor in a juvenile detention center prior to disposition (judgment) due to care, protection or in the best interest of the child (e.g., Child Protective Services) if there is a specific plan for that person that makes the stay at the detention center temporary. This could include those juveniles awaiting placement but still physically present in juvenile hall.
- h. A minor placed on probation by a juvenile court on juvenile intensive probation with home arrest restrictions.
- i. A minor placed on probation by a juvenile court on juvenile intensive probation to a secure treatment facility contracted with the juvenile detention center if the secure treatment facility is not part of the criminal justice system.
- j. A minor placed on probation by a juvenile court or on juvenile intensive probation with treatment as a condition of probation:
- in a psychiatric hospital;
 - in a residential treatment center; or,
 - as an outpatient.

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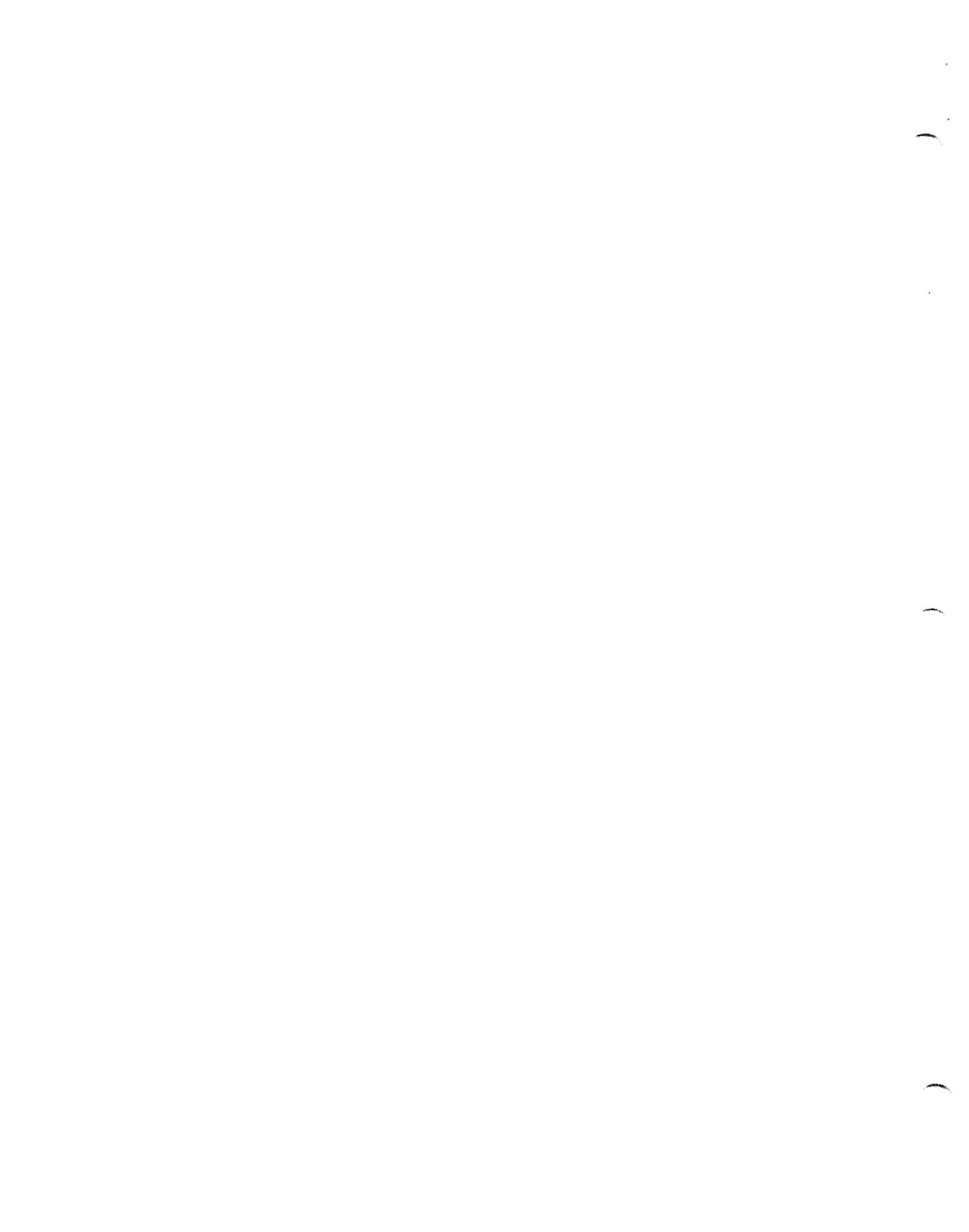
3. INMATES UNDER PENAL CODE SECTIONS 1367, 1370, and 1372

- a. **Penal Code 1367:** Those charged with a misdemeanor, but who are incompetent to stand trial, and who will be treated by a mental health facility.

Penal Code Section 1367 provides that "A person cannot be tried or adjudged to punishment while that person is mentally incompetent." If the judge finds reason to believe that the defendant may be incompetent to stand trial, he/she may order that the defendant be referred for 72-hour treatment and evaluation. Defendant continues to be an inmate of a public institution and ineligible for Medi-Cal. If evaluation results in placement in a mental health facility for treatment, then the individual is not eligible for Medi-Cal unless he/she is under age 21 or over 65. If the individual is referred for outpatient treatment, he would not be living in the institution and could be eligible for Medi-Cal.

- b. **Penal Code 1370:** A Murphy Conservatorship may be established if a state hospital patient charged with a specified serious felony is not restored to competence upon expiration of a Penal Code 1370 commitment. The establishment of a Murphy Conservatorship ends the Penal Code commitment, regardless of the expiration date of the Penal Code 1370 commitment. A Murphy Conservatorship requires the determination that the patient is gravely disabled in accordance with Welfare and Institutions Code (WIC) Section 5003 (h)(1). This state hospital patient could not be eligible for Medi-Cal if he/she were between the ages of 21-65, unless the individual was in the hospital before the age of 21 continuously to the age of 22. Then he/she could be eligible for Medi-Cal.

- c. **Penal Code 1372:** Those felons incompetent to stand trial, previously treated at the state hospital, but whose competency has been restored and are returned to the Inpatient Unit to stand trial. When a defendant is returned to court with a certification that competence has been regained, the court shall determine whether the person is entitled to be admitted to bail. An individual who is released from incarceration on bail is not an inmate of a public institution, and may be eligible for Medi-Cal. If not released on bail, the individual is likely to be held in a prison or jail prior to conviction or sentencing. The individual would then be an inmate of a public institution, and would not be eligible for Medi-Cal.



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6D—JUVENILES

In determining the Medi-Cal eligibility of juveniles, HCFA distinguishes between the nature of the detention, pre and post disposition situations, and types of facilities.

1. Disposition

Disposition in a juvenile case is the decision made by the court for the juvenile's welfare. A disposition order is the court decision as to whether the minor will be placed in foster care, under sentence, placed on probation, or released either temporary or permanent.

2. Before Disposition

A juvenile who is in a detention center due to criminal activity is an inmate of a public institution.

A juvenile who is in a detention center due to care, protection, or in the best interest of the child is not an "inmate of a public institution" if there is a specific plan for him/her that makes the stay temporary.

3. After Disposition

Juveniles on intensive probation with a plan of release which includes residence in a detention center are "inmates of a public institution." However, if the juvenile is placed on intensive probation in a secure treatment facility, he is an "inmate of a public institution" if the facility is part of the criminal justice system.

4. Nature of the Facility

The nature of the facility is extremely important in determining Medi-Cal eligibility because federal regulations at 42 CFR 435.1008 prohibit FFP to "inmates of public institutions". 42 CFR 435.1009 defines a public institution. Publicly operated community residences that serve no more than 16 residents are excluded from this definition, and FFP is allowed for these facilities. In making an eligibility determination, both the **status** of the juvenile and the **facility** must be taken into consideration. The juvenile is not eligible if he/she is a resident of a public institution.

EXAMPLE:

A juvenile is detained for criminal activity. He is placed on probation with specific conditions of release, including a stay of 30 days or longer at a detention facility. The facility is identified as a juvenile detention center, not a treatment center. Upon release from this detention center, he would be placed on probation with his mother. Because of the nature of his/her custody and the nature of the facility as a detention center (public institution), he/she is not eligible for Medi-Cal. The juvenile is living in a public institution and is not eligible for Medi-Cal during the period of incarceration. After release from the detention center and while on probation, the juvenile may be eligible for Medi-Cal.

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Do not consider that a short stay in a detention facility as set forth above is a temporary placement pending other arrangements. Under HCFA guidelines, this would be incorrect. Incarceration in a detention center due to criminal activity makes the juvenile an inmate of a public institution and ineligible for Medi-Cal.

5. Foster Care

The purpose of the Foster Care Program is to provide financial and medical assistance for those children who are in need of substitute parenting and who have been placed in foster care -- that is, outside of the home of the parents or legal guardian. Foster Care placement may be in a relative's or non-relative's home as well as a ranch, institution, group home, or the like.

Foster Care children are automatically eligible for Medi-Cal after utilizing whatever other health coverage is available. This is clarified in Section 903 of the Welfare & Institutions Code, Liability for Costs of Support.

The Medi-Cal Program automatically grants a Medi-Cal card to children in Foster Care, and providers are instructed to bill the Medi-Cal program first. Medi-Cal pays the provider of service first, and then Medi-Cal seeks repayment from the other health coverage.

Foster Care children are excluded from being classified as an "inmate of a public institution" when such children are temporarily in an institution pending more suitable arrangements such as Foster Care placement in a foster family or group home. Specifically, this includes a minor in a juvenile detention center prior to disposition (judgment) due to care, protection or in the best interest of the child (e.g., Child Protective Services) if there is a specific plan for that person that makes the stay at the detention center temporary. This could include those juveniles awaiting placement but still physically present in juvenile hall.

6. Emergency Assistance (EA) Program

The EA program is a federally funded program under Title IV-A of the Social Security Act. Federal funding of 50 percent (50% federal/50% county) is available for a period of up to 12 months or until the emergency is over, whichever is less, for children under the age of 21 in accordance with 45 CFR 233.120. Eligibility for EA requires that an emergency must exist within the family in order for a child to be considered eligible for assistance.

There are two distinct definitions of an "emergency" that apply to probation cases and child welfare services cases. The definition of an emergency for a probation case is "a child's behavior that results in the child's removal from the home and a judicial notice that the child must remain in out of home care for more than seventy-two judicial hours." The definition of an emergency for a child welfare services case is "a child is at risk of abuse, neglect, abandonment or exploitation".

The Medi-Cal program has implemented two new aid codes to be used for the EA Foster Care portion of the EA program:

- 4K - for probation cases which result in out-of-home non-federal Foster Care; and,
- 5K - for children at risk of abuse, neglect, abandonment, or exploitation placed in out-of-home non-federal Foster Care.

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Children receiving EA services who are temporarily detained in an institution, such as a county operated juvenile assessment center or residential treatment facility pending foster care placement, are prohibited from being placed into the 4K (Probation) or 5K (Child Welfare Services) aid codes. These children, if determined Medi-Cal eligible, will remain in aid code 45.

7. Sample Disposition Orders

In making a determination of eligibility for a juvenile who has entered the juvenile justice system, it is very important to review the judge's decision. The decision or dispositional order must be read to determine both the **status** of the minor and to determine the **nature** of the facility where he will be placed. Because of the diversity of juvenile and adult court orders and the judgements rendered and/or specific situations pertinent to each individual case, several case situations and the Medi-Cal eligibility determination are listed below to demonstrate that each must be read individually to determine Medi-Cal eligibility.

- a. Juvenile Court Order Status: Minor is in Foster Care in Licensed Residential Treatment Facility. Minor is eligible for Medi-Cal.
- b. Juvenile Court Order Status: Minor is on Probation Awaiting Placement in Foster Care. Minor is eligible for Medi-Cal.
- c. Juvenile Court Order Status: Minor is on Probation with residence in Licensed Residential Facility pending permanent placement. Minor is eligible for Medi-Cal.
- d. Juvenile Court Order Status: Placement in psychiatric facility - furtherance of detention under Section 602. Minor is not eligible for Medi-Cal.
- e. Juvenile Court Order Status: Minor is placed in Residential Treatment Center and then Psychiatric Hospital. If under Foster Care and Not Sentenced, Minor is eligible for Medi-Cal.
- f. Juvenile Court Order Status: Minor is placed with parents with permission to place minor in Mesa Vista Hospital. This would be viewed as Foster Care/Probation Placement with parents. Minor is eligible for Medi-Cal. If committed to psychiatric unit, Minor would continue to be Eligible for Medi-Cal.
- g. Juvenile Court Order Status: Minor is released on Probation to Parents with hospital stay; then placement to 24-hour school on release from hospital. Minor is eligible for Medi-Cal because Minor is on Probation. If 24-hour school is part of criminal justice system and is a correctional facility, then Minor would not be eligible for Medi-Cal.

The following Exhibits are included as examples of Disposition Orders:

- a. Exhibit A - Probation to Correctional Facility

A sample court order for a minor ordered to a juvenile detention center for a temporary period pending placement. This minor is not eligible for Medi-Cal because the facility is part of the criminal justice system.

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b. **Exhibit B - Sentence to Correctional Facility**

A sample court order for a minor committed to a correctional facility to serve a sentence--CTC for five days. This minor is not eligible for Medi-Cal because he/she has been sentenced to a correctional facility for criminal activity.

c. **Exhibit C - Placement in Foster Care**

A sample court order for a juvenile placed on probation and ordered to suitable placement. If placement is in foster care and not a correctional facility, this minor is eligible for Medi-Cal.

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EXHIBIT A

(A)
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
JUVENILE MINUTE ORDER - 602 DISPOSITION
HON. STEVEN Z. PERREN

PAGE:

Reporter: Clerk: Bailiff:

For: 4/06/93 Tuesday Dept: 35

4. 8:30 AM Case No: MATTER OF Filing Date: 5/08/90
Addl Info:

Case: JUVENILE - 602 W&I
Trial:
Event: DISPOSITION
SUBSQ PETN: 03-23-93

MINOR:
DOB/DOD: 09/18/78

PRESENT BEFORE THE COURT:

DDA: N DPO/CDA/Counsel:
DPO: [] Counsel
Minor N Mother [] Father [] No App N SPO - ONLY

AFTER EXAMINATION AND HEARING OF EVIDENCE, THE COURT FINDS:

- Notice of hearing was given as required by law. [] Notice waived.
Appearance of parent waived. N Probation Report received [] waived.
Psychiatric/Psychological report received.
Legal residence of minor is [] Ventura [] county
Detrimental to minor's welfare to leave custody with the parents.
Reasonable efforts have been made to prevent the need to remove minor from the home and to make it possible to return minor to the home.
That the minor has been tried on probation in the custody of the parent(s) and has failed to reform. [] Minor has ability to pay fine
Total maximum term of physical confinement: N 6 Yrs. N 4 mths.

COURT ORDERS:

- Minor declared/continued as a ward of the court. N Minor committed to the care of the probation officer for suitable placement in the Colston for a period not to exceed 60 days pending other arrangements suitable for his needs. The minor shall remain in such placement until allowed to leave by probation officer or further order of the Court.
Credit for days served. [Weekends commencing
[] Execution stayed until
Custody removed from parents. [] Placed in care of probation officer for placement in [] suitable facility []
Upon release from N Colston Minor released to MOTHER on terms/conditions of probation N attached [heretofore ordered [] modified:
Co. of Ventura to pay for care and maintenance of minor and parents directed to reimburse County provided they have the financial ability.
Parent(s) of the minor, is/are ordered to pay for the costs of legal services rendered to the minor in the amount of \$65 provided they have the financial ability to do so.
Probation officer authorized to seek medical, dental, surgical care

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(A)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
JUVENILE MINUTE ORDER - 602 DISPOSITION
HON. STEVEN Z. PERREN

PAGE: 2

For: 4/06/93 Tuesday Dept: 35

4. B:30 AM Case No: MATTER OF Filing Date: 5/08/90
Addl Info:

- for minor as deemed necessary by a licensed physician or dentist.
- CSA to arrange for a psychiatric/psychological exam.
- Parents _____ to attend family counseling as directed.
- Minor shall pay a fine in the amount of \$ _____ to Restitution Fund.
- Stayed pending successful completion of probation per WIC 730.6
- Transfer in accepted. Probation/wardship terminated.
- Petition dismissed with/without prejudice.
- Minor detained in CTC VCJ Waives right to be housed at CTC.
- Minor waives Ray O. rights. Minor advised of appeal rights.
- Placement staff to submit periodic progress reports.
- Bench warrant issued recalled stayed until _____
- Next hearing set for 4/20/93 at 8:30 a.m./p.m. in Courtroom 25
- For review N/A Ricardo M _____ Time waived
- 30 days stayed, to be calendared at discretion of Probation
- PLACEMENT REVIEW SET ___/___/___ at ___ a.m./p.m. in Courtroom ___
- MATTER CONTINUED TO ___/___/___ at ___ a.m./p.m. in Courtrom ___
- OFF-CALENDAR SHERIFF to transport minor to _____
- The court hereby notifies the minor that his/her privilege to operate a motor vehicle is suspended/revoked pursuant to Vehcile Code Section _____, based upon a sustained charge of violating Section _____ of the Vehicle/Penal/Health and Safety/Business and Professions Code.
- Minor is detained pending delivery to JRP Colston _____
- ~~The minor is detained pending delivery to Colston~~

Judge's Signature

Superior Court
Executive Officer and Clerk

By: _____
Deputy Clerk

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TERMS AND CONDITIONS OF PROBATION

(A)

NAME: _____ DATE: 4-6-93 CASE NO.: _____

1. You shall obey the reasonable and proper orders of your parent(s)/probation officer/placement staff/ _____ and report to your probation officer as directed.
2. You shall obey all laws, including city and county ordinances.
3. You shall attend school as scheduled and cooperate with school officials. You shall report all class schedule changes, all unexcused absences, suspensions and detentions to your probation officer.
4. You shall seek and maintain employment as directed by your probation officer.
5. You shall not associate with any person not approved of by your parent(s) or probation officer. You are specifically ordered not to associate with ~~any person~~ unless at family gathering supervised by parents or a custodian.
6. You shall not use or possess any controlled substance, including marijuana, or any related paraphernalia. You shall submit to tests to determine if you have used any such substances.
7. You shall not drink or possess any alcoholic beverage and you must submit to tests to see if you have consumed alcohol.
8. You shall not use, possess or inhale spray paint, glue or any substance which is likely to cause intoxication if inhaled or knowingly associate with anyone using or possessing such substances and submit to tests for use of these substances.
9. You shall not possess any weapon, including but not limited to a firearm, a replica weapon and ammunition.
10. You shall submit to a search of your person, your residence, your vehicle or any personal or real property under your control, at any time, by a probation officer or any law enforcement officer with or without a search warrant warrant of arrest or reasonable cause for: ~~weapons/stolen property/alcohol/controlled substances, including marijuana, and related paraphernalia~~
11. You shall participate in therapy or counseling programs as directed, show proof of attendance and continue until allowed to terminate by probation officer/court.
12. You shall not leave Ventura County for more than 72 hours without the prior permission of your probation officer and your parent(s). You shall not change your residence without the prior approval of your probation officer or remain away from your residence overnight without the permission of your parent(s). You shall obey a special curfew of _____.
13. You shall complete _____ hours in the Community Work Program by _____.
14. You shall pay through Corrections Services Agency Collections Unit, 800 South Victoria, Ventura, CA 93009.
 - A. A fine in the amount of \$ _____ plus court assessment of \$ _____ by _____ payable at the rate of \$ _____ per month commencing on _____.
 - B. Restitution in the amount of \$ _____ to the State Restitution Fund by _____ payable at the rate of \$ _____ per month commencing _____.
 - C. Restitution in an amount and manner to be determined at a later hearing or by ex parte order.
 - D. Restitution in an amount of \$ 47 by _____ payable at the rate of \$ 20 per month commencing (as previously ordered).
15. You shall serve time in the Clifton Tatum Center as follows:
 - A. _____ consecutive weekends commencing _____.
 - B. 26 days commencing FORWARD, credit be given for 26 days already served.
 - C. 30 days stayed per "Ricardo M" pending court review of progress on probation.
16. You shall not drive a motor vehicle unless properly licensed and insured.
17. You shall attend Alcohol Information School: Level I Level II
18. You shall complete _____ days in the Weekend Work Program by _____.
19. Other SEE ATTACHMENT

I have received a copy of these terms and conditions, I understand and agree to each of the conditions and agree above

TERMS AND CONDITIONS OF PROBATION

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

EXHIBIT
(A)

TERMS AND CONDITIONS OF PROBATION - PAGE 2

NAME: _____

DATE: 4-6-93

CASE NO. _____

20. During the period of your commitment or placement, you must obey the orders of the placement staff (as well as your probation officer) and participate in all required school, treatment, and other programming. In addition to the terms and conditions of probation which you must follow at all times you are on probation, you must also follow the following special terms during the period of time you are in placement.

You may not leave placement without the permission of placement staff. You shall not possess any weapons or stolen property. You shall not use or possess alcohol or any controlled substance, including marijuana. You shall submit to tests to determine if you have used any of these substances and submit to search of your person, your residence, your vehicle, or any personal or real property under your control for the above prohibited substances, weapons, or stolen property by placement staff, the probation officer, or any law enforcement officer.

21. You shall complete _____ hours of community service work while in the Juvenile Restitution Program or the equivalent amount of hours in a paid employment position approved by the probation officer.

You shall pay 80% of the net money earned while in JRP towards your Court-ordered restitution or fines.

22. You shall not associate with any gang member, including but not limited to members of the Colonia Chigres. You shall not wear, display, use, or possess any article, insignia, emblem, photograph, cap, hat, scarf, bandanna, or any article of clothing which is evidence of affiliation with, or membership in any gang. You shall submit to search of your person, residence, vehicle, or any personal or real property under your control, at any time, by a probation officer or any law enforcement officer with or without a search warrant, warrant of arrest or reasonable cause, to determine the presence of any of these items.

I have received a copy of these terms and conditions. I understand and agree to each of the conditions checked above.

Signature of Minor

4-30-93

TERMS AND CONDITIONS OF PROBATION - PAGE 2

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

EXHIBIT B

(B)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA JUVENILE COURT

JUDGE: DATE: JUNE 02, 1993 TIME: 8:30 a.m. CLERK: BAILIFF: CASE NO.: REPORTER: INTERPRETER: Sworn Clath on File

TITLE OF CASE: n the Matter of

NATURE OF PROCEEDINGS: (602)

- Adjudication Pretrial/Contest Transfer out Bench Warrant Detention

OB 10-10-77

Minor

PRESENT BEFORE THE COURT:

DDA: OPD/CD/Counsel: DONNA FORRY JPO: County Counsel:

Minor named above Mother Father the above-entitled case comes on for hearing upon the 602 Petition/Supplemental/Amended Petition filed on 05-17-93

- Public Defender appointed to represent minor. Conflict declared. Conflict Defense Associates appointed to represent minor. Relieved. Court/DDA explains meaning and consents of petition, nature and consequences where applicable, of right to appointed counsel. subject to claim by the County for reimbursement. Court/DDA informs minor of his/her constitutional rights. Petition amended on its face. Court/DDA advises minor re driving privilege. Minor waives appearance of parent(s). Guardian(s). Over the age of 18. Minor and counsel waive reading of petition and formal arraignment. Detention hearing report is read and considered.

AFTER EXAMINATION AND HEARING OF EVIDENCE, THE COURT FINDS:

- Notice of hearing was given as required by law. notice was waived. Minor understands nature of conduct alleged in petition and possible consequences of admission or plea of nolo contendere. minor waives rights. Minor pleads nolo contendere admits allegations as to count(s) 2. Minor's plea is free and voluntary minor understands wrongfulness of acts. Counsel stipulate there is a factual basis for entry of plea court may consider all counts in determining restitution. Harvey Waiver. Allegations of petition are true not true as to count(s). Petitioner moves the court to dismiss count(s) WITH A HARVEY WAIVER AND COUNT 3 OUTRIGHT. Minor comes within provisions of Section 602. Legal residence is Ventura County. Previous orders have not been effective in rehabilitation of minor. Total maximum term of physical confinement to be 3 months/years. The court makes the appropriate findings pursuant to Section 1488(e) of the California Rules of Court and accepts the plea.

COURT ORDERS:

- Count(s) 1, 3 dismissed. Matter stricken from calendar. Petition sustained. Petition dismissed with/without prejudice. Offense(s) declared to be felony misdemeanor. Hearing continued to 06-20-95 at 1:00 pm in Courtroom 35 for disposition. Time is waived. Detained in Clifton Tatum Center County jail pending further hearing. Contest date heretofore set is vacated. Contest remains as scheduled. Minor released to parent(s) MOTHER and ordered to return. Home supervision ordered/continued. 24 hour. Bench Warrant issued recalled stayed until. Corrections Services Agency to arrange for psychiatric/psychological examination. Matter transferred to County pursuant to Section 750 WIC.

ated

JUDGE'S SIGNATURE

HEILA GONZALEZ, Superior Court Executive Officer and Clerk

By: DEPUTY CLERK

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
JUVENILE COURT

JUDGE: DATE: JULY 22, 1993 TIME: 8:30 A.M.
CLERK: BAILIFF: CASE NO: J47467
REPORTER: INTERPRETER: Sworn Oath on File
TITLE OF CASE: NATURE OF PROCEEDINGS: (602)
In the Matter of [X] Disposition [] Ricardo M

DOB 10-10-77

Minor

PRESENT BEFORE THE COURT:

DDA: DPO: [X] Minor [] Mother [] Father []

The above entitled case comes on for hearing, the court having found that the Amended Original Petition filed on May 17, 1993 is true and minor is a person described in Section 602 of the WIC.

AFTER EXAMINATION AND HEARING OF EVIDENCE, THE COURT FINDS:

- [X] Notice of hearing was given [] Notice waived [X] Appearance of parent waived [] Over age 18
[X] Probation report received [] Waived by minor and counsel
[] Reasonable efforts have been made to prevent the need to remove the minor from the home and to make it possible to return the minor to the home [] It would be detrimental to the welfare of the minor to leave custody with the parents [] Minor has the ability to pay fine
[] Total maximum term of physical confinement to be months/years

THE COURT ORDERS:

- [X] Minor declared a ward of the court
[X] Minor committed to CTC for 5 days
[X] Credit for 0 days served
[X] Exclusion stayed until 07-30-93 @8:00 a.m., Juvenile Hall
[] Custody removed from parents [] placed in care of probation officer for placement in suitable facility []
[] Upon release from [X] minor released to parents
[X] on terms and conditions of probation [X] attached [] heretofore ordered [] modified
[] County of Ventura to pay for care and maintenance of minor and parents directed to reimburse the County provided they have the financial ability
[X] Parent(s) of the minor, are ordered to pay for the costs of legal services rendered to the minor in the amount of \$ 65, provided they have the financial ability to do so.
[X] Parents [] to attend family counseling as directed
[] Hearing continued/review set at a.m./p.m., courtroom
[] Appearance [] Non-appearance [] Ricardo M review [] Time waived
[] Minor detained in [] CTC [] County Jail [] Waives right to be housed at CTC
[X] 30 days stayed, to be calendared at discretion of CSA
[X] On motion of the petitioner, the court orders the Subsequent Petition filed on June 17, 1993 dismissed with a Harvey Waiver.
[X] The court indicates the minor shall not be responsible for paying for damage to the window as the damage has been paid for by another minor.
[X] The court orders the minor shall voluntarily surrender to the custody of Juvenile Hall on July 30, 1993 at 8:00 a.m.
[X] The court states for the record that, in the event the minor fails to voluntarily surrender on July 30, 1993, the court will impose additional custody.

DATED: JUL 23 1993

JUDGE

SHEILA GONZALEZ, Superior Court Executive Officer and Clerk

DEPUTY CLERK

REVISED 5/93

DISPOSITION JUVENILE-602 MINOR GUAR

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

(B)

TERMS AND CONDITIONS OF PROBATION

Name _____ Date June 25, 1993

1. You shall obey the reasonable and proper orders of your parent(s)/probation officer and report to your probation officer as directed.
2. You shall obey all laws, including city and county ordinances.
3. You shall attend school as scheduled and cooperate with school officials. You shall report all class schedule changes, all unexcused absences, suspensions, and detention to your probation officer.
4. You shall seek and maintain employment as directed by your probation officer.
5. You shall not associate with any person not approved of by your parents and probation officer. You are specifically ordered not to associate with _____
6. You shall not drink or possess any alcoholic beverage and you must submit to tests to see if you have consumed alcohol.
7. You shall not possess any weapon, including, but not limited to firearms, a replica of any weapon, or ammunition.
8. You shall submit to a search of your person, your residence, your vehicle, or any personal or real property under your control, at any time, by a probation officer or any law enforcement officer with or without a search warrant, warrant of arrest, or reasonable cause for: weapons/stolen property/alcohol/property which is evidence of affiliation with or membership in any gang.
9. You shall participate in therapy or counseling programs as directed, show proof of attendance, and continue until allowed to terminate by the probation officer or the Court.
10. You shall not leave the County of Ventura for more than 72 hours without the prior permission of your probation officer and your parents. You shall not change your residence without the prior approval of your probation officer or remain away from your residence overnight without the permission of your parents. You shall obey a special curfew of 9:00 p.m.
11. You shall complete ~~40~~ ^{10 DAYS} hours in the ~~Community Work Program~~ ^{WEEKEND WORK} by ~~9-1-93~~ ⁹⁻¹⁴⁻⁹³.

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

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12. You shall pay restitution in an amount and manner to be determined at a later hearing or by ex parte order, in addition to all previously ordered restitution through the Corrections Services Agency, Collections and Revenue Services Unit, Hall of Justice, Room 205, 800 South Victoria Avenue, Ventura, CA 93009.

13. You shall serve ⁵15 days in the Clifton Tatum Center commencing forthwith; credit is given for 0 days already served.

14. You shall serve 30 days in the Clifton Tatum Center, stayed per Ricardo M. pending Court review of your progress on probation.

15. You shall not drive a motor vehicle unless properly licensed and insured.

16. You shall not associate with any gang member, including, but not limited to members of the "Satie". You shall not wear, display, use, or possess any article, insignia, emblem, photograph, cap, hat, scarf, bandanna, or any article of clothing which is evidence of affiliation with, or membership in any gang.

17. You shall not contact, annoy, or harass victims and nor shall you go on to the victims' properties.

I have received a copy of these terms and conditions. I understand and agree to abide by each of them.

Signature of Minor Date 8-25-93

Signature of Witness Date 8-25-93

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

EXHIBIT C

EXHIBIT

(C)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
JUVENILE MINUTE ORDER - 602 DISPOSITION
HON. STEVEN Z. PERREN

PAGE:

Reporter Clerk Bailiff

For 9/09/93 Monday Dept: 35

37 10:00 AM Case No: MATTER OF Filing Date: 9/01/88
Addl Info:

Case: JUVENILE - 602 W&I
Trial:
Event: DISPOSITION S/PETN: 07-14-93
777 S/PETN: 08-09-93

MINOR
DOB/DOD 08/21/76

PRESENT BEFORE THE COURT

-JIS

[X] JDA [X] DPD/CDA/Counsel
[X] DPO [X] Counsel
[X] Minor [] Mother [] Father [] No App []

AFTER EXAMINATION AND HEARING OF EVIDENCE, THE COURT FINDS.

[X] Notice of hearing was given as required by law. [] Notice waived.
[X] Appearance of parent waived. [X] Probation Report received [] waived.
[] Psychiatric/Psychological report received
[] Legal residence of minor is [] Ventura [] county
[X] Detrimental to minor's welfare to leave custody with the parents.
[X] Reasonable efforts have been made to prevent the need to remove minor
from the home and to make it possible to return minor to the home.
[] That the minor has been tried on probation in the custody of the
parent(s) and has failed to reform. [] Minor has ability to pay fine
[X] Total maximum term of physical confinement: [X] yrs. [X] 4 mths.

THE COURT ORDERS.

[X] Minor /continued as a ward of the court. [] Minor committed
to the care of the probation officer for suitable placement in the

For a period not to exceed days pending other arrangements
suitable for needs. The minor shall remain in such placement until
allowed to leave by probation officer or further order of the Court.

[] Credit for days served. []Weekends commencing
[] Execution stayed until
[X] Custody removed from parents. []Placed in care of probation officer
for placement in []suitable facility []
[X] Upon release from [X] PLACEMENT [X]Minor released to PARENTS on terms/
conditions of probation []attached []heretofore ordered []modified:

[X] Co. of Ventura to pay for care and maintenance of minor and parents
directed to reimburse County provided they have the financial ability.
[X] Parent(s) of the minor. is/are ordered to pay
for the costs of legal services rendered to the minor in the amount of

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

EXHIBIT
(C)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
JUVENILE MINUTE ORDER - 602 DISPOSITION
HON. STEVEN Z. PERREN

PAGE: 2

For: 8/09/93 Monday Dest: 35

37 10:00 AM Case No:
Addl Info:

MATTER OF

Filing Date: 9/01/88

- for minor as deemed necessary by a licensed physician or dentist.
 - CSA to arrange for a psychiatric/psychological exam.
 - Parents MOTHER to attend family counseling as directed.
 - Minor shall pay a fine in the amount of \$_____ to Restitution Fund.
 - Stayed pending successful completion of probation per WIC 730.6
 - Transfer in accepted. Probation/wardship terminated.
 - Petition dismissed with/without prejudice.
 - Minor detained in CTC VCJ Waives right to be housed at CTC.
 - Minor waives Ray O. rights. Minor advised of appeal rights.
 - Placement staff to submit periodic progress reports.
 - Bench warrant issued recalled stayed until _____
 - Next hearing set for 08/23/93 at 2:30 a.m. in Courtroom 35
 - for review N/A Ricardo M. _____ Time waived
 - 30 days stayed to be calendared at discretion of Probation
 - PLACEMENT REVIEW SET 02/09/94 at 2:30 a.m. in Courtroom 35
 - MATTER CONTINUED TO ___/___/___ at ___ a.m./p.m. in Courtroom ___
 - OFF-CALENDAR SHERIFF to transport minor to _____
 - The court hereby notifies the minor that his/her privilege to operate a motor vehicle is suspended/revoked pursuant to Vehicle Code Section _____ based upon a sustained charge of violating Section _____ of the Vehicle/Penal/Health and Safety/Business and Professions Code.
 - Minor is detained pending delivery to JRP Colston SUITABLE PLACEMENT
- THE PREVIOUSLY SET PLACEMENT REVIEW OF SEPTEMBER 1993 IS HEREBY VACATED.

Judge's Signature

Superior Court
Executive Officer and Clerk

By: _____
Deputy Clerk

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

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TERMS AND CONDITIONS OF PROBATION

Name _____ Date 8-9-93 J 40674

1. You shall obey the reasonable and proper orders of your parents/probation officer/placement staff and report to your probation officer as directed.
2. You shall obey all laws, including city and county ordinances.
3. You shall attend school as scheduled and cooperate with school officials. You shall report all class schedule changes, all unexcused absences, suspensions, and detentions to your probation officer.
4. You shall seek and maintain employment as directed by your probation officer.
5. You shall not associate with any person not approved of by your parents and probation officer. You are specifically ordered not to associate with _____ or _____ (prior order).
6. You shall not use or possess any controlled substance, including marijuana, or any related paraphernalia. You shall submit to tests to determine if you have used any such substances.
7. You shall submit to a search of your person, your residence, your vehicle, or any personal or real property under your control, at any time, by a probation officer or any law enforcement officer with or without a search warrant. Warrant of arrest, or reasonable cause for: controlled substances including marijuana and related paraphernalia, and property which is evidence of or affiliation with membership in any gang.
8. You shall participate in therapy or counseling programs as directed, show proof of attendance, and continue until allowed to terminate by the probation officer or the Court.
9. You shall not leave Ventura County for more than 72 hours without the prior permission of your probation officer and your parents. You shall not change your residence without the prior approval of your probation officer or remain away from your residence overnight without the permission of your parents.

(Continued on page two.)

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

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Page two

- 10. You shall pay restitution in an amount of \$100 until paid payable at the rate of \$25 per month, as directed by you probation officer, in addition to all previously ordered restitution through the Corrections Services Agency Collections and Revenue Services Unit, Hall of Justice, Room 205, 800 South Victoria Avenue, Ventura, CA 93009.
- 11. You shall serve 51 days in the Clifton Tatum Center commencing forthwith; credit is given for 51 days already served.
- 12. You shall serve 30 days in the Clifton Tatum Center, stayed per Ricardo M. pending Court review of your progress on probation.
- 13. During the period of your commitment or placement, you must obey the orders of the placement staff (as well as your probation officer) and participate in all required school, treatment, and other programming. In addition to the terms and conditions of probation which you must follow at all times you are on probation, you must also follow the following special terms during the period of time you are in placement.

You may not leave placement without the permission of placement staff. You shall not possess any weapons or stolen property. You shall not use or possess alcohol or any controlled substance, including marijuana. You shall submit to tests to determine if you have used any of these substances and submit to search of your person, your residence, your vehicle, or any personal or real property under your control for the above prohibited substances, weapons, or stolen property by placement staff, the probation officer, or any law enforcement officer.
- 14. You shall not associate with any gang member, including, but not limited to members of the Southside Chiquas. You shall not wear, display, use, or possess any article, insignia, emblem, photograph, cap, hat, scarf, bandanna, or any article of clothing which is evidence of affiliation with, or membership in any gang.
- 15. You shall not contact or harass any of your past or present victims.

I have received a copy of these terms and conditions. I understand and agree to abide by each of them.

Signature of Minor

Date

Signature of Witness

Date

JH:ne3-11

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

6E--INSTITUTION FOR MENTAL DISEASES (IMD)

1. Definition

IMD's are defined in federal law as:

42 USC Section 1905(l): The term "institution for mental diseases" means a hospital, nursing facility, or other institution of more than 16 beds, that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, including medical attention, nursing care, and related services.

42 CFR Section 435.1009: Institution for mental diseases means a hospital, nursing facility, or other institution of more than 16 beds that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, including medical attention, nursing care, and related services. Whether an institution is an institution for mental diseases is determined by its overall character as that of a facility established and maintained primarily for the care and treatment of individuals with mental diseases, whether or not it is licensed as such. An institution for the mentally retarded is not an institution for mental diseases.

2. Identification of an IMD

The final determination of a facility's status depends on whether its overall character is that of a facility established and/or maintained primarily for the care and treatment of individuals with mental diseases. HCFA uses the following guidelines in evaluating the overall character of a facility under the Medicaid statute and regulations:

- The facility specializes in providing psychiatric/psychological care and treatment. This may be ascertained through review of patients' records. It may also be indicated by the fact that an unusually large proportion of the staff has specialized psychiatric/psychological training or that a large proportion of the patients are receiving psychopharmacological drugs;
- The facility is under the jurisdiction of the State's mental health authority;
- The current need for institutionalization for more than 50 percent of all the patients in the facility results from mental diseases;

In some cases, multiple components may be involved, and it may be necessary to apply further guidelines to identify the institution to be assessed. Components may be certified as different types of providers, such as nursing facilities and hospitals, and are considered independent of each other. Once a component is determined to be independent, the IMD criteria can be applied to that component unless it has 16 or fewer beds.

3. IMD Exclusion

Section 1905(a) of the Social Security Act states that FFP is not available for any medical assistance under Title XIX (Medi-Cal) for any individual under age 65 who is a patient in an IMD unless the payment is for inpatient psychiatric services for individuals under age 21. However, an individual who has been receiving inpatient psychiatric services prior to his/her 21st birthday and continues to receive such services may be eligible for Medi-Cal benefits.

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

Individuals who are patients in an IMD may be immediately eligible for Medi-Cal benefits upon transfer or discharge to a medical institution that is certified under Title XIX, provided that all factors of eligibility are met. Under 42 CFR 435.1008, the IMD exclusion does not apply during the part of the month the individual is not a patient in an IMD. This includes periods of conditional release or convalescent leave.

4. IMD's in California

In 1986, HCFA set forth the criteria for determining whether facilities were IMD's. California's mentally disabled population had been cared for in skilled nursing facilities (SNF's). SNF's serving the mentally disabled had special treatment programs (STP) certified by the California Department of Health Services and the California Department of Mental Health. HCFA determined that these SNF/STP facilities were IMDs, and that FFP for inpatient psychiatric care and services under the Medi-Cal program was not available for residents under age 65.

The following list of facilities in California have been determined to be IMD's by HCFA:

Effective August 1, 1987:

Alpine Convalescent Center, Alpine	El Cajon
Bay Health Care, Palo Alto	Palo Alto
Beverly Manor, Riverside	Riverside
Canyon Manor, Novato	San Rafael
Chatsworth Health and Rehabilitation Center	Canoga Park
Community Care Center, Inc., Duarte	Arcadia
Cordilleras Center, Redwood City	Redwood City
Crestwood Manor, Eureka	Eureka
Crestwood Manor, Modesto	Modesto
Crestwood Manor, Sacramento	Sacramento
Crestwood Manor, San Jose	San Jose
Crestwood Manor, Stockton	Stockton
Crestwood Manor, Vallejo	Vallejo
Crestwood Manor, Angwin	Napa
Crestwood Manor, Bakersfield	Bakersfield
Downey Community Health Center	Downey
Eskaton American River Manor, Carmichael	American River
Foothill Health and Rehabilitation Center, Sylmar	San Fernando
Fresno Care and Guidance Center	SE Fresno
Garfield Geropsychiatric Hospital, Oakland	Oakland
Harbor Hills	Santa Cruz
Landmark Medical Center	Pomona
La Paz Geropsychiatric Center, Paramount	Bellflower
Laurel Park	Pomona
Meadowbrook Manor Sanitarium, Los Angeles	Marina Venice
Merced Manor	Merced
Olive Vista	Pomona
San Gabriel Valley Convalescent Hospital	El Monte
San Jose Care and Guidance Center	E San Jose

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

Shandin Hills
Sierra Vista, Highland
View Heights Convalescent Hospital, Watts
Vista Pacifica, West Riverside
Westwood Manor

San Bernardino
San Bernardino
Los Angeles
Riverside
Fremont

Effective July 1, 1988:

Crestwood Geriatric Treatment Center
Crestwood Vallejo II
Telecare La Casa, Norwalk
Telecare Villa Fairmont, San Leandro

Redding
Vallejo
Norwalk
San Leandro

Effective March 1, 1988:

Crestwood Manor, Fremont

Fremont

Effective February 16, 1990-June 30, 1990 Only:

Harbor View Center, Long Beach

Long Beach

Effective August 16, 1990:

Cresta Loma, Lemon Grove

La Mesa

Effective September 7, 1990:

Eucalyptus Health Services, Inc./
Crestwood Corporation, Bakersfield

Bakersfield

Effective April 1, 1992:

Garfield Nursing Home, Inc.

Howard

Effective April 30, 1992:

Gladman Psychiatric Health Facilities

Oakland

Effective June 15, 1992:

Garfield Mental Health Center

Oakland

(NOTE: This is not an all-inclusive list of IMDs; all Acute Psychiatric Hospitals, Psychiatric Health Facilities of more than 16 beds, and State Mental Hospitals are IMDs. Note that Camarillo State Hospital is no longer designated as an IMD by HCFA.)

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

5. Individuals 21 to 22 Years of Age in an IMD

Under Section 1905(a) of the Social Security Act federal financial participation (FFP) is not available to individuals between the ages of 21-65 unless the individual has been receiving inpatient psychiatric services prior to his/her 21st birthday and receives such services continuously until the age of 22. Section 50273, Title 22, Code of California Regulations, has always allowed this IMD exception, but the eligibility criteria and aid code assignment have never been clarified.

Allow continuous Medi-Cal eligibility to individuals institutionalized in an IMD before their 21st birthday. Counties have been using Aid Code 81 (Medically Indigent - Aid Paid Pending). You must use Aid Code 82 (Medically Indigent - Children Under 21) because it is an FFP category in which the Federal Government pays one-half of the cost.

For an individual under 21 who is a patient in an IMD, the aid code assigned would be appropriate for the medical condition. If the individual was assigned Aid Code 82, a normal ESAC ("1" or "6") could be used to place him/her in this aid code. When the individual reaches 21 years 1 month of age, he/she is placed on hold at Renewal and the alert message, "SPECIAL ESAC REQUIRED FOR AID CODE OR AID CODE AND AGE," is issued to the county. The county can put a qualifying individual back on Medi-Cal Eligibility Data System (MEDS) in Aid Code 82 by assigning a special ESAC of "4" or "9". The individual then remains eligible until age 22. At age 22 and 1 month, he/she will be placed on hold at Renewal and the alert message, "AGE NOT WITHIN ACCEPTABLE RANGE FOR AID CODE," is issued to the county. At this time eligibility needs to be re-determined.

Counties will be able to use Aid Code 82 with an ESAC of "4" or "9" on the following batch and line transactions:

- EW05 Transfer County of Responsibility
- EW15 Request Medi-Cal ID Card-New Eligible or Data Change
- EW20 Add New Recipient
- EW30 Modify Existing MEDS Record (Individual)

If there are any individuals over 21 years of age who belong in this category and are presently in Aid Code 81, transfer them into Aid Code 82 with an ESAC of "4" or "9" for proper claiming in an FFP aid code.

6. Managed Mental Health Care

The State of California is expanding managed care in the Medi-Cal program in order to improve beneficiaries access to quality, coordinated services, and part of this expansion includes implementation of a Medi-Cal Managed Mental Health Care System. This implementation consists of a three-step approach to be phased in over a four- to five-year period.

Phase I of this plan was the reform of the Short-Doyle/Medi-Cal program. Phase II of this plan is the transfer of the Treatment Authorization Request System for inpatient psychiatric hospital services to the counties as of January 1, 1995. The counties are assuming the responsibility and the risk for ensuring provision of medically necessary psychiatric inpatient hospital services to all Medi-Cal eligible beneficiaries. The counties will receive the State General Fund anticipated as the match for fee-for-service Medi-Cal mental health services.

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

Phase III will be the implementation of full capitated funding for mental health services through managed care contracts. State hospitals, however, will not be included in this capitation program.

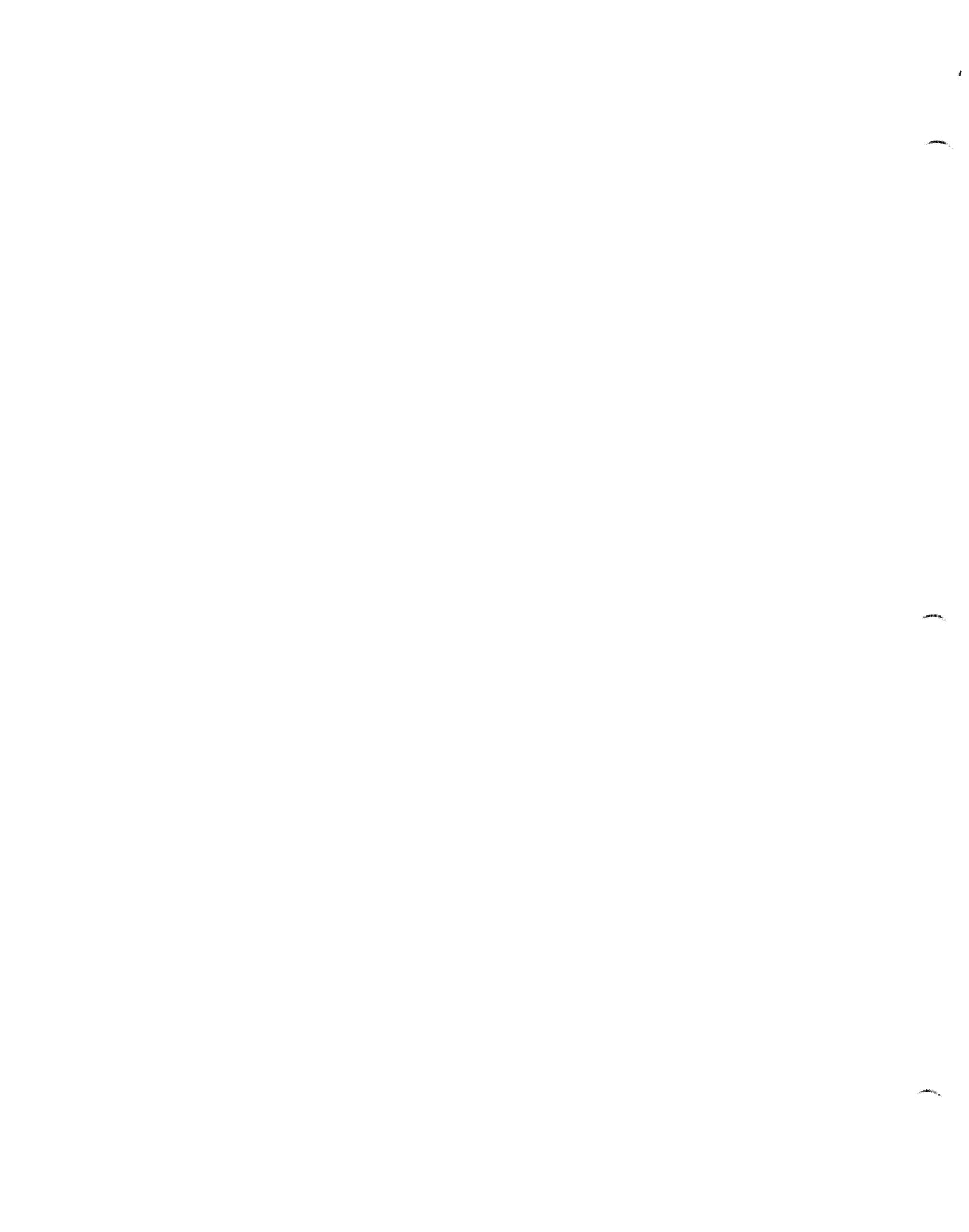
The goal is to ultimately provide a system that will ensure that adequate services are accessible and provided in a coordinated, efficient, cost effective, and culturally competent manner, and under which mechanism care will be coordinated between the various physical health and mental health care facilities.

a. Inpatient Mental Health Services consolidation

Under this consolidation, each county mental health department will function as the county's Mental Health Plan (MHP). The MHP will authorize psychiatric inpatient hospital service admissions, continued stay services, and administrative days for all Medi-Cal recipients based on county of residence. Each MHP will have a contact person in the MHP Point of Authorization Directory (ACL No. 95-20). Medi-Cal reimbursement for psychiatric inpatient hospital services under the consolidation will be based on per diem rates. All rates include bed and ancillary charges, but do not include professional services such as psychiatry and psychology. These must be billed separately. Inpatient psychiatric services claim inquiries and appeals will continue to be processed through EDS regardless of the date of service. There will be no change in the fair hearing process.

b. Steering Committee

The Department of Mental Health (DMH), DHS, HCFA, the California Mental Health Directors Association (CMHDA), the California Mental Health Planning Council, and other state departments, consumers, and interested constituency groups have formed a Managed Health Care Steering Committee. The Committee will meet on a regular basis and will oversee Phase III of the Medi-Cal Managed Mental Health Care System. The Mission of the Steering Committee has been drafted as being threefold: 1) provide a forum for the interchange of information and perspectives among stakeholders, 2) establish principles for the subcommittees regarding development of specific policy recommendations, and 3) make recommendations to the State Department of Mental Health regarding compliance of proposed policies developed by subcommittees with those principles. Each local Mental Health Plan is also required to have a public planning process. The actual structure of services and many of the implementation issues will be addressed at the local level.



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6F. CHART

The following chart identifies individuals ineligible or eligible due to institutional status:

TYPE OF INSTITUTION	TYPE OF INMATE						VOLUNTARY (Including Parolee/ Probationer)	
	Pre-Booking	Sentenced 21-64	Sentenced 65 or Over	Under W&I 601,602,300	Sentenced W&I 602	Others Under 21	21-64	65 or Over
Public or Private Mental Institution	Ineligible	Ineligible	Eligible	Eligible to Age 22	Ineligible	Eligible	Ineligible	Eligible
Public Nonmedical Institution (Correctional)	Ineligible	Ineligible	Ineligible	Ineligible Unless Temporary	Ineligible	Ineligible	Ineligible	Ineligible
Public or Private General Medical Facility	Eligible	Ineligible	Ineligible	Eligible	Ineligible	Eligible	Eligible	Eligible
Public or Private Mental Facility - Diagnosis of Mental Illness (IMD)	Ineligible	Ineligible	Eligible	Eligible to Age 22	Ineligible	Eligible to Age 22	Ineligible	Eligible
Residential Treatment Center, Board and Care Home (non-correctional)	Eligible	Eligible	Eligible	Eligible	Ineligible	Eligible	Eligible	Eligible
Public or Private Intermediate Care or Skilled Nursing Facility	Eligible	Ineligible	Ineligible	Eligible	Ineligible	Eligible	Eligible	Eligible

NOTE:

1. Approval of an application of an inmate eligible above shall be contingent upon all other eligibility criteria being met.
2. Persons institutionalized prior to their 21st birthday are eligible until they reach their 22nd birthday as long as they remain continuously institutionalized and receive inpatient psychiatric care.
3. Individuals released on bail or own recognizance (OR) are eligible for Medi-Cal.
4. Welfare and Institutions Code Number Explanations:
 - a. W&I 300 - Person needs care due to mental or physical deprivation.
 - b. W&I 601 - Uncontrollable - ward of court.
 - c. W&I 602 - Violation of law.

