STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY PETE WILSON, *Governor*

DEPARTMENT OF HEALTH SERVICES
14/744 P STREET
O. BOX 942732
SACRAMENTO, CA 94234-7320
(916) 657-2941

October 24, 1995

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL LETTER NO.: 153

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

Enclosed are revisions to the Medi-Cal Eligibility Procedures Manual for the new Article 4V--Minor Consent Services. There are two new procedures included in this revision. New procedures include section 1, last paragraph, which allows one parent to accompany a minor to apply for minor consent services when there is a need or desire to maintain confidentiality with the other parent and section 2b, which defines Seriously Emotionally Disturbed children. Sections 2d, which defines the Minor Consent L codes, and 2g, which defines the Minor Consent Identification paper card, have been rewritten to correctly reflect changes in these two areas.

Additionally, a new version of the MC 4026 is included as part of this article A camera-ready copy of the MC 4026 will be sent to counties under separate cover of an All County Welfare Directors Letter.

Procedure Revision	Description
Article 4V	Minor Consent Services

Filing Instructions:

Remove Pages	Insert Pages
Pages 19B-1 through 19B-5	Pages 4V-1 through 4V-7

If you have any questions concerning a specific revision, please contact Deborah Wender of my staff at (916) 657-1064.

Sincerely,

Original signed by
Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Enclosure

4V -- MINOR CONSENT MEDI-CAL SERVICES

1. BACKGROUND

California Family Code provides that a minor may, without parental consent, receive services related to sexual assault, pregnancy and pregnancy related services, family planning, sexually transmitted diseases, drug and alcohol abuse, and outpatient mental health treatment and counseling.

Minor consent services are categorized by age as follows:

UNDER AGE 12:
- pregnancy & pregnancy related care
- family planning services
- sexual assault services

AGE 12 YEARS AND OLDER:
- sexually transmitted diseases treatment
- drug and alcohol abuse treatment/counseling
- mental health outpatient care
- pregnancy & pregnancy related care
- family planning services
- sexual assault services

Methadone treatment, psychotropic drugs, convulsive therapy, psychosurgery, and sterilization are excluded from the services which a minor may receive without parental consent. The above-named services which a minor may receive on his/her own will be referred to as "minor consent services".

State law further provides that persons under 21 years may apply for minor consent services Medi-Cal without their parents' consent or knowledge. The statute further provides that the parents shall not be required to contribute to the cost of minor consent services. However, the parents' income and property must be considered in the eligibility determination for Medi-Cal if the child requests other medical services not covered under minor consent services. The Medi-Cal regulations and procedures are, therefore, different for minor consent Medi-Cal coverage than they are for full scope Medi-Cal coverage in the areas of: parental informing of the child's need for medical care, parental consent to Medi-Cal coverage for the child, parental consent to medical treatment of the child, and parental financial responsibility for the child's medical costs.

State law requires that the parents or guardians of a minor receiving outpatient mental health treatment or counseling, or services for drug or alcohol related problems be contacted and encouraged to participate in the treatment. The parents or guardian may not be contacted if the health care professional treating the minor believes it would not be advantageous to the minor to have their parents or guardian involved. If the parents or guardian do participate in the treatment, they are required to pay for any services they participate in -- i.e., family counseling or individual/couple counseling for the parent(s).

Although all minor consent cases are confidential, the parents' knowledge of their child's circumstance in no way affects eligibility for minor consent services, and no contact shall be directed to the parent(s) or guardian(s). A minor must apply for minor consent services, their parent(s) can not apply on their behalf. However, one parent may accompany a minor to apply for minor consent services when there is a need or desire to maintain confidentiality with the other parent. The confidentiality requirement is not waived in this situation.

2. COUNTY WELFARE DEPARTMENT RESPONSIBILITIES

Minor consent services are supported with State funds only. No Federal funds are claimed since the income and resources of the minor's parents/guardian are not considered in establishing eligibility. Therefore, it is critical that the following criteria be strictly adhered to.

a. Processing of Minor Consent Applicants Under 21 Years Who Are Adults

Persons under 21 years of age who are defined as adults under the definition of regulation Section 50014 are not eligible for minor consent services and should be processed for full-scope Medi-Cal.

b. Processing of Minor Consent Applicants Under 21 Years Who Are **Not Physically Living With Their Parent(s).**

A minor must be considered living in the home to be eligible for minor consent services. If they are away temporarily, i.e., school/college, they are considered living in the home. If the minor is living temporarily with another relative or friend they are considered living in their parent(s) home if their parent(s) are legally and financially responsible for the minor, i.e.; minor is claimed as a dependent for income tax purposes.

If a public agency has legal responsibility for a minor, he/she is not eligible for minor consent services. If a minor is a Seriously Emotionally Disturbed (SED) child, he/she are considered living in the home in regard to determining Medi-Cal eligibility. A SED child may apply for minor consent services. However, minor consent Medi-Cal will not cover mental health treatment or counseling that is required by the child's Individual Educational Plan (IEP), whether the SED child is in 24 hour care or a day treatment program.

c. Processing Minor Consent Eligibility

At the initial intake, and anytime a minor applies for minor consent services at least 12 months after their initial application, they must complete the MC 210 and 219. **Minor consent applicants are not required to provide their Social Security number for eligibility.** At intake and every time a minor recertifies for minor consent services, he/she must complete a MC 4026. The eligibility worker must review the MC 4026 with the minor and verify that the information on the MC 210 has not changed. The MC 4026 contains specific rights and responsibilities that the minor must read and sign upon initial application and all subsequent recertifications.

Minor consent eligibility is for a period of one month. Children receiving minor consent services are required to report changes that may impact their eligibility within ten (10) days. Minors must reapply for minor consent services every month they need at least one minor consent service.

Minor consent applicants do not have to provide the same level of verification as an applicant for full-scope Medi-Cal. Minor consent applicants must provide some form of identification to verify who they are, i.e.; California driver's license, California ID card, school ID card, etc. If the minor is employed they must provide pay stubs. Bank account statements are required if they own a bank account. If a minor is pregnant she is not required to provide pregnancy verification.

d. Identification of Types of Minor Consent Services

Children applying for Medi-Cal minor consent coverage must specify on the MC 4026, the type of services for which they are seeking coverage. To indicate which minor consent service the minor has requested or is eligible for, the Department of Health Services (DHS) has assigned each type of minor consent service a three digit code (previously referred to as L codes):

004 -- Represents services related to sexually transmitted diseases

005 -- Represents services related to outpatient mental health treatment

006 -- Represents services related to sexual assault

007 -- Represents services related to drug and alcohol abuse

008 -- Represents services related to pregnancy and pregnancy related, or family planning

These codes do not appear on the minor consent paper card. However, when a provider verifies eligibility on a minor consent paper card, one limited service message will be returned from the eligibility verification system. If a minor requests more than one service, the eligibility worker must input the three digit number into MEDS that appears first in the list above.

Examples:

1. A minor requests minor consent services for outpatient mental health counseling and sexually transmitted diseases (STDs). The first minor consent service listed is services related to STDs. Therefore the eligibility worker inputs 004 into MEDS. The minor is now eligible for services related to outpatient mental health (005), sexual assault (006), drug and alcohol abuse (007), pregnancy and pregnancy related, and family planning (008).

2. A minor requests minor consent services for family planning services only. The eligibility worker inputs 008 into MEDS. The minor is now eligible for family planning services, and pregnancy and pregnancy related services. If the minor requires services related to STDs within the current eligibility period, she/he will have to return to the county welfare department and request the additional service. At that time the eligibility worker will change the 008 code to 004 in MEDS.

When minors present their minor consent Medi-Cal card to a provider, the provider verifies their eligibility through the Point Of Service (POS) network. The eligibility verification system will return a restricted eligibility service message for the minor consent service entered into MEDS. The providers have been directed via the provider manual that minors are entitled to the category of service which is returned from the eligibility verification system and any other needed service listed below which follows the returned service message. Providers are also informed that minor consent services are confidential, and parents are not to be contacted regarding their child's receipt of these services (provider manual section 100-24).

e. Minors Requesting Outpatient Mental Health Treatment and Counseling

Minors requesting outpatient mental health treatment and counseling must submit to the county welfare department a statement from a mental health professional: licensed marriage, family and child counselor; licensed clinical social worker; licensed educational psychologist; credentialed school psychologist; clinical psychologist; licensed psychologist; or psychiatrist which states that the child needs mental health treatment or counseling, the estimated length of time treatment will be needed, and meets both of the following:

[Minor] is mature enough to participate intelligently in the mental health treatment or counseling, and is one of the following:

(a) In danger of causing serious physical or mental harm to self or others without mental health treatment or counseling; OR

(b) An alleged victim of incest or child abuse.

f. Minor Consent and Immigration Status

Otherwise eligible applicants are entitled to all minor consent services regardless of citizenship or alien status. In other words, a lack of satisfactory immigration status does not prohibit eligibility for minor consent services.

Minor Consent services are considered restricted services, therefore, the MC 13 instructions for restricted services apply to minor consent applicants. On the MC 13, "Section B: Scope of Benefits Requested" should have the box "Other" checked and "Minor Consent Services" written on the blank line.

A Systematic Alien Verification for Entitlements (SAVE) check is not needed for minor consent services. **Advise alien minor consent applicants that INS will not be contacted regarding their immigration status.**

g. Minor Consent Medi-Cal Card

Minor consent beneficiaries receive a paper ID card that is good for one year from the date of issuance. Counties are not to issue a new card when a minor reapplies for minor consent services unless it has been 12 months since the last date of issuance, or if the card is lost. When continuing or re-opening a minor consent case the issuance of the Medi-Cal card can be suppressed by typing "MEDS" at the card issue site on the EW15 screen.

Eligibility for minor consent services must be verified through the POS network. When verifying eligibility providers will get a limited services message that identifies which service(s) the minor is eligible (see section 2d above).

The minor consent case should not be opened for minors who are already included in a public assistance case, a Medi-Cal Family Budget Unit (MFBU) with no share of cost, or for minors who apply for and receive Aid to Families with Dependent Children (AFDC) cash on the basis of pregnancy.

If the child is enrolled in a PHP or a managed care plan, he/she should be referred to the PHP/plan for care, unless the minor is requesting outpatient mental health or alcohol and drug abuse counseling. Additionally, any member of a managed care plan has the freedom to obtain family planning services from a provider of their choice. Minors requesting family planning services may be referred to a family planning provider of their choice, using their plan.

If the minor is included in an MFBU with a share of cost, issue the minor a minor consent Medi-Cal card. If the minor is included in a MFBU without a share of cost, issue a paper card that is a copy of that case card.

If a minor is requesting services related to pregnancy, the unborn is included in the MFBU as an aided child. The maintenance need for two would be used. Once the child is born the minor mother must apply for full scope Medi-Cal for the child if Medi-Cal coverage is desired for the child. There is no continuing eligibility for the minor's child under minor consent services. A new case must be established for the minor's child. The minor parent is then an ineligible member of the child's MFBU.

h. Reporting of Minor Consent Eligibles

To assure confidentiality, MEDS requires that all minor consent Medi-Cal identification cards be issued by an on-line transaction on a MEDS terminal using pseudo numbers rather than actual Social Security numbers. To ensure that minor consent eligibles do not receive a Beneficiary Explanation of Medi-Cal Benefits and Services (BEOMBS) or other mailings from DHS, the county welfare department should not submit a home address to DHS via MEDS. If minors give their permission to include their home address or an alternate address they must indicate so on the MC 4026.

i. Other Health Care Coverage

County departments shall not report other health care coverage information for children who are applying for minor consent services when the minor is included in his/her parents' MFBU and the child's parent(s) have other health care coverage. The OHC code must be removed from the minor's paper card. If the minor has his/her own health care coverage through his/her employer or other source, put the OHC code on the minor's paper card.

j. Confidentiality and Child Abuse Reporting Requirements

State law and regulations on minor consent services prevent the county welfare department from contacting the parents of a child applying for minor consent services only. The Child Abuse Reporting Law requires the county welfare department to report suspected child abuse to child protection agencies, law enforcement agencies, and agencies responsible for investigation of cases involving dependent children. County welfare workers should make reports as required by Penal Code Section 11166. However, such reports should not disclose the fact that the child has applied for Medi-Cal. When

making a report, welfare workers may be required to include in their reports only the minimum, specifically-enumerated elements: name of the person making the report, name of the child, present location of the child, nature and extent of injury, and the fact that led the reporting person to suspect child abuse (e.g., "child stated she is pregnant and under the age of 14 years").

3. Medi-Cal Provider Responsibilities

California regulation, Title 22, Section 51473.2 states that providers may render services to minors without parental consent only if:

(1) Those services are related to a sexual assault, pregnancy and pregnancy related, family planning, drug or alcohol abuse, sexually transmitted diseases, or outpatient mental health treatment and counseling; OR

(2) The minor is living apart from his/her parents and neither they nor a public agency will accept legal responsibility for the child.

A provider bulletin has been issued which describes minor consent services.

4. DHS Responsibilities -- BEOMBS

DHS will take necessary precautions to assure that children receiving minor consent services only will not receive BEOMBS. For minors who are issued a paper card copy of their parents' case should not receive a BEOMB, since the Department does not send a BEOMB for any beneficiary who received a sensitive service (i.e.; drug and alcohol counseling, etc.).

State of California-Health and Welfare Agency | Department of Health Services

REQUEST FOR ELIGIBILITY LIMITED SERVICES

Name of Applicant (Last, First)	FOR COUNTY USE ONLY-State Number				
	County	Aid	Serial Number	FBU	Person No.

PART A.

I need/continue to need services related to: (Please check one or more of the following.)

1. ☐ Sexual Assault
2. ☐ Pregnancy or Family Planning
3. ☐ Sexually Transmitted Diseases *
4. ☐ Drug or Alcohol Problem *
5. ☐ Outpatient Mental Health *

* must be 12 years of age or older

If requesting outpatient mental health services, a statement from a mental health professional confirming that you meet the requirements for those services must be attached.

PART B.

I am requesting medical assistance for the month of: _____ / _____
Month Year

☐ I choose to receive my Medi-Cal card upon signing this form.

OR ☐ I request that my Medi-Cal card be sent to the following address:

_____
Street Number City ZIP Code

PART C. RIGHTS AND RESPONSIBILITIES

1. I understand that I will receive a paper Medi-Cal ID card that is good for one year from the issue date on the card. This card is for identification only and does not verify eligibility. Even if I am not sure I will need additional minor consent services I must keep my card for a year.

2. I understand that my eligibility is good for one month, and each month I need Minor Consent medical services I must come back into the welfare department to recertify that I still need one of the above services. To allow time for my eligibility worker to redo my reapplication, I must come in and complete this form as soon as I know I need to see a Doctor or need medical care, preferably in the first week of the month..

3. I understand that if any of the following happens I must call my eligibility worker within ten (10) days. The changes I must report are:
   a. I move out of my parent's house.
   b. I get married.
   c. My parent(s) stop supporting me or declaring me as a dependent for tax purposes.
   d. I get a job or quit working.
   e. I get some property; i.e.; bank accounts, automobile, stocks, bonds, trust funds, etc.
   f. I give birth or my pregnancy ends for any reason.
4. I understand that I will receive this card and the medical services I have requested without my parents being contacted.

_____
Signature of Applicant Date

_____
Signature of County Representative Date

MC 4026 (9/95)