STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

EDMUND G. BROWN JR., Governor

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
SACRAMENTO, CA 95814
(916) 445-1912

April 9, 1981

To: All County Welfare Directors

Letter No. 81-17

REVISED AID PAID PENDING (APP) DETERMINATION

This is to inform you that consistent with a recent Los Angeles County Superior Court preliminary injunction issued in the cases of Ortiz v. Woods and Harley v. Woods, a Medi-Cal beneficiary will now be entitled to APP if the beneficiary files a request for a state hearing anytime before the effective date of the action. The court order supersedes the prior rule MPP Section 22-022.51, (referenced in CAC, Title 22, Section 50951) that limited eligibility for APP to ten days following the date of mailing of the notice of action.

The court order does not extend the time limit of 90 days for requesting a state hearing nor does it require counties to give more than the 10 days advance notice for adverse actions specified in CAC, Title 22, Section 50179 (e).

Implementation Schedule

This change in APP determination is effective January 26, 1981. APP is to be issued beginning February 1, 1981 in all January or later ongoing eligibility cases where (1) Medi-Cal eligibility has been terminated or there was an increase in the share (SOC); and (2) the beneficiary has requested a state hearing prior to the effective date of the action.

In those cases where the hearing has not as yet been held, the county shall review each case and take the appropriate steps to ensure that APP is granted consistent with the court order. The Office of Chief Referee will review those cases which have already been heard by a state hearing officer and will notify the county if APP should be granted due to the change.

Notice of Action Forms Revision

Notice of Action (MC 239) forms will be revised to include language that will explain the beneficiary's right to APP when the state hearing request is filed any time before the effective date of the action. Until these new forms are available, the current Notices of Action should either be supplemented by including a modifying stuffer or by printing the new language on the front of the Notice of Action. Please see Attachment A for the appropriate wording to be used.

The wording on Attachment A will be added to the next supply of stuffers which inform beneficiaries of limitation of their right to a hearing, printed as a result of the amendment to Welfare and Institutions Code, Section 10950 (explained in the All County Letter, Implementation of SB 30 (RIGHT TO STATE HEARING) Letter No. 80-48). If your county wishes to use the stuffer until revised Notices of Action are available, please contact your Medi-Cal Program Consultant. Be sure to specify the number of stuffer notices you will need

for a four month supply. Counties which have the capability to computer print the modified wording are encouraged to do so.

If you have any questions regarding the instructions in this letter, please contact your Medi-Cal Program Consultant.

Sincerely,

Original signed by

Barbara V. Carr, Acting Chief
Medi-Cal Eligibility Branch

Attachment
cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

Expiration Date: October 31, 1981

The 10 day limit on getting Aid Paid Pending, described on the back of this Notice, has been changed. Aid Paid Pending will be granted if you ask for a state hearing any time before the effective date of the proposed action indicated on this Notice.