STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

EDMUND G. BROWN JR., Governor

DEPARTMENT OF HEALTH SERVICES
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May 28, 1982

To: All County Welfare Directors

Letter No. 82-30

BELTRAN v. MYERS (TRANSFER OF PROPERTY LITIGATION) CROSS REFERENCE CWD 82-24

All County Welfare Directors Letter (CWD) No. 82-24, Beltran v. Myers, explained the county actions necessary to comply with the February 2, 1982 U.S. District Court order pertaining to transfer of property regulations in effect prior to July 1, 1981. On May 20, 1982, the District Court issued an amended order which further clarified the actions required to implement the Court's decision.

Instructions contained in CWD 82-24 remain in effect except for the following clarifications.

1. Only Aged, Blind and Disabled Medically Needy (ABD-MN) persons are entitled to a reevaluation of eligibility based on an application filed on or before June 30, 1981. Such reevaluation should be made with reference to CWD Letter 82-24.

2. ABD-MN individuals who are found eligible for Medi-Cal as a result of the reevaluation are to be granted benefits effective February 1, 1982 and forward. In determining eligibility counties are to apply eligibility criteria in effect in February, 1982 except for transfer of property. Specifically, no person impacted by this recent court order is to be denied eligibility for February, 1982 and forward based on a transfer of property which occurred prior to July 1, 1981.

3. Persons who request a reevaluation of their Medi-Cal eligibility for any month prior to February, 1982 are to be advised that they are currently not entitled to benefits for this period. However, counties are to tell these individuals that they will be notified of any subsequent court order which may impact their eligibility for Medi-Cal prior to February. These cases must be flagged and kept readily accessible.

4. There may be some ABD-MN individuals who filed an application prior to July 1, 1981 and who have had their Medi-Cal benefits denied or discontinued on or since February 2, 1982 based on a transfer of property which occurred prior to July 1, 1981. With respect to these individuals, their eligibility is to be re-established immediately. If there exists any method by which these individuals may be identified without causing unreasonable administrative burden or expense you should utilize such method. In this regard, the procedures employed may vary among counties. For example, in some counties affected individuals may be identified by those eligibility workers handling transfer cases since February 2, 1982.

The Department has been ordered to publicize the court decision via televised public service announcements, newspapers, and radio. Additionally, every medical facility which has a provider agreement with the State will be sent the following court-ordered notification:

"In a case called Beltran v. Myers, the federal court in Los Angeles held recently that California's Medi-Cal "transfer of assets" rule, which was and is used for applications filed prior to July 1, 1981, is invalid because it conflicted with federal law. The court's decision forbids state and county officials to deny Medi-Cal coverage to aged, blind, and disabled applicants who transferred, gave away, or sold property prior to applying for Medi-Cal benefits.

"The court's order requires the State to notify people who applied for Medi-Cal benefits prior to July 1, 1981, and whose application was denied or whose benefits were discontinued because of the transfer of assets rule. (The denial or discontinuance may have occurred after July 1, 1981, but the order would still be applied because of the date of the original application.) You, or a friend or relative, may be one of these people. If so, you could be entitled to Medi-Cal coverage or reimbursement for bills incurred -- whether paid or not -- which would otherwise have been covered by Medi-Cal. If you think there is a chance that you fit into this category, you should contact your local county welfare office and file a request to have your eligibility - status reconsidered for the period in which you were found ineligible. If dissatisfied with the county's determination, applicants will have a right to appeal the decision through the State's administrative process.

"If you have any questions about the court's ruling and the procedure outlined above, you should contact an attorney, a legal aid or legal assistance for the elderly office, or your local county welfare office. Make sure to give them the official name and number of the case: Beltran v. Myers, No. 78-2350CBM (C.D. Cal.)."

This same wording will appear on posters currently being prepared for distribution to all county welfare departments in June. Upon receipt, counties will be responsible for insuring that a poster is on display in each county welfare department district office as well as the main office. Posters will also be mailed to Social Security Administration offices throughout the State.

Please direct your questions to your Medi-Cal Program Consultant at (916) 445-1912.

Sincerely,

Original signed by

Madalyn M. Martinez, Chief
Medi-Cal Eligibility Branch

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants