STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
SACRAMENTO, CA 95814

TO: All County Welfare Directors
All County Administrative Officers

May 30, 1989
Letter No. 89-44

SUBJECT: MEDICALLY INDIGENT CHILDREN NOT LIVING WITH A RELATIVE

This is to provide clarification on the application process for children who request Medi-Cal benefits and who are not living with a parent or relative and no public agency is assuming financial responsibility [Title 22 California Code of Regulations (CCR), Section 50251 (a)(5)].

A child who is not eligible as Medically Needy because he/she is not living with a parent or relative should be aided under the Medically Indigent Program (Section 50251 CCR). The child would be in his/her own Medi-Cal Family Budget Unit (MFBU) unless he/she has a sibling living with him/her, in which case both siblings would be in the same MFBU.

According to Section 50163 (a)(1), the Statement of Facts for a child may be completed and signed by the child if he/she is competent and (A) not living with the child's parents or caretaker relatives and the county has determined that no person or agency accepts legal responsibility for the child or (B) the child is applying on his or her own behalf for Minor Consent Services under Section 50147.1 Otherwise, if the child's parents are available, they should complete the Statement of Facts. If not, the adult who is caring for the child, or the county should fill out this form. In no instance should the child be denied eligibility because the parent is not available. In some cases, it may be appropriate to evaluate the child's circumstances and determine whether there is a need for protective services so that the child can be referred to the proper agency/and or be made a ward of the court [Section 50163 (a)(3)]. Once another agency assumes responsibility, the child would be aided under another aid code.

Example 1

A fifteen-year-old child is living with adult friends. Assuming the child is competent, he/she should fill out the Statement of Facts. The child would be a Medically Indigent Child (aid code 82, assuming he/she had no share of cost) and would be in his/her own MFBU.

Example 2

An incarcerated woman applies for Medi-Cal benefits for her newborn in the county where she is hospitalized. The newborn will be living with a volunteer family in another county until the mother is released from prison. The mother should complete the Statement of Facts. The county may either complete a "courtesy application" for the other county or complete the application and transfer it to the other county (Section 50135). The child

would be Medically Indigent (Aid Code 82 assuming there is no share of cost) and would be in his/her own MFBU.

Example 3

A couple applies for Medi-Cal on behalf of an unrelated child for whom they are caring as part of a volunteer organization which provides shelter for infants born to incarcerated women. The couple has a document signed by the natural mother giving them the right to seek medical care for the infant. The couple has a foster care license but does not receive any support from the county or an agency. They will be returning the child to the mother when she is released from prison. Since it may be difficult to contact the natural mother, the couple or the organization may fill out the Statement of Facts with assistance from the county. The child is Medically Indigent (Aid Code 82) and in his/her own MFBU.

Example 4

A couple applies for Medi-Cal on behalf of a child living in their home whom they wish to privately adopt. They have a medical release form from the natural parent but no other documents. The adoption process often takes many months. Since no agency has responsibility for the child, the prospective parents should fill out the Statement of Facts and the child should be aided as Medically Indigent (Aid Code 82). The child would be in his/her own MFBU until the adoption is final. At that time, the adoptive parents have responsibility and would be included in the MFBU, as eligible or ineligible parents depending on the family's circumstances.

Example 5

A couple has privately agreed to adopt a newborn and pay the medical bills for the child's birth; however, the child is born with health problems and the bills are much higher than the couple had agreed to pay. The natural mother will not apply for Medi-Cal for the hospitalized child. Since the child is still in the hospital, he/she is the responsibility of the natural mother. The county should ask the mother if she wishes to place the newborn with a public agency and/or contact protective services. If the child is a ward of the court or the responsibility of a public agency due to a voluntary placement by the parent, he/she would be in his own MFBU [(Section 50377)(e)]. If an agency is assuming financial responsibility and will continue to assume this responsibility after the child is discharged from the facility such as a child in foster care who is temporarily in acute or LTC, the child would be Medically Indigent (Aid Code 45). If an agency is not assuming financial responsibility, the child would be coded as 82 (assuming there is no share of cost). The agency or person responsible for the child should complete the Statement of Facts. The agreement of the prospective adoptive parents to pay certain medical bills should be treated as third party liability.

Example 6

A woman delivers a newborn who is severely disabled. The mother is discharged from the hospital but the child must stay. The child has medical bills but the mother's whereabouts are unknown. The hospital has notified child protective services but no agency is yet responsible. In this case, the county may apply for the child and fill out the Statement of Facts. The child would be in his/her own MFBU. He/she would be aided as Medically Indigent (Aid Code 82 assuming there is no share of cost).

For more information on this subject, please refer to the Medi-Cal Eligibility Manual, Section 8 C-2. If you have any further questions on the application process, please contact Tony Plescia at (916) 324-4954. For questions on Medi-Cal Programs and MFBU, please contact Marge Buzdas at (916) 324-4972.

Sincerely,

Original signed by

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

Expiration Date: March 31, 1990