

DEPARTMENT OF HEALTH SERVICES

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July 28, 1989
Letter No.: 89-61

To: All County Welfare Directors
All County Administrative Officers

SUBJECT: TRANSFERS WHICH OCCUR TO ESTABLISH MEDICAL ELIGIBILITY BEYOND THE
24-MONTH PERIOD IMMEDIATELY PRECEDING APPLICATION

It has come to our attention that clarification is needed regarding the recent change to Title 22, Section 50408 (b), which concerns transfers of property beyond the 24-month period immediately preceding application.

Prior to July 28, 1988, Section 50408 (b) used to say:

"There is a presumption that property transferred by the applicant or beneficiary more than two years preceding the date of initial application was not transferred to establish eligibility or reduce the share or cost. Such property shall not be considered in determining eligibility, unless there is evidence that disproves this presumption."

Effective July 28, 1988, Section 50408 (b) now reads:

"There is a presumption that property transferred by the applicant or beneficiary more than two years preceding the date of initial application was not transferred to establish eligibility or reduce the share of cost. Such property shall not be considered in determining eligibility."

Based on an understanding of federal law and guidelines, we have determined that the transfer of property more than two years prior to the application date is not to be subject to the presumption of a transfer to establish eligibility.

Therefore, if you have any denials, discontinuances or fair hearings pending on this issue, please apply this new information if it is applicable. Based upon the number of inquiries made to the Department on this issue, the number of cases impacted by this change should be small.

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If you have any questions on this issue, please call Sharyl Shanen at (916) 324-4956 or ATSS 8-454-4956.

Sincerely,

Original signed by

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

Expiration Date: July 28, 1990